

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.8815 of 2023
Date of Decision: 29.08.2023**

Mohinder Singh

...Petitioner

Versus

The State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. J.S.Jaidka, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
for respondent No.1-State.

Mr. Rahul Rana, Advocate,
for respondent No.2.

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MEENAKSHI I. MEHTA, J.(ORAL)

The petitioner herein seeks the quashing of the FIR bearing No.40 dated 09.04.2018 as registered at Police Station Women, District Ludhiana, under Sections 406 & 498-A IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at compromise qua their dispute, leading to the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by the prosecution against the petitioner in the present case, are that he, along-with his co-accused namely Amarjit Kaur, had subjected respondent No.2-complainant to cruelty for bringing insufficient dowry and for demanding more dowry and also due to the non-fulfilment of their said demand.

3. Vide the order dated 21.02.2023 as passed by the Co-ordinate Bench, the parties had been directed to appear before the trial Court/Duty Magistrate on 11.04.2023 for recording their statements in respect of the afore-referred compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Ludhiana, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that from the statements of the petitioner and respondent No.2, it appears that the compromise, as arrived at between them, is genuine and voluntary and it has been affected without any pressure, threat or coercion and that as per the record and the statement of the Investigating Officer SI Mohan Singh, there is no other complainant or aggrieved person in the case except respondent No.2 and the above-said FIR was registered against the petitioner and his afore-named co-accused but she (Amarjit Kaur) has died and the proceedings stand abated qua her vide the order dated 08.02.2021 and no other criminal case is pending against the petitioner nor he has been declared proclaimed offender. The statements of respondent No.2 and the petitioner and the copy of the statement of the Investigating Officer have been annexed with the said report. Learned counsels for the petitioner and respondent No.2 submit that the marriage between their respective clients stands dissolved by way of decree of divorce, passed on 27.07.2023 in the petition filed by them under Section 13-B of the Hindu Marriage Act, 1955.

4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.2 in the instant petition and have also perused the file thoroughly.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come. Moreover, the petitioner and respondent No.2 are stated to have already parted their ways by way of the dissolution of their marriage vide the above-said decree of divorce and it being so, there are bleak chances of the conviction of the petitioner and in such circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the afore-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543,** the FIR bearing No.40 dated 09.04.2018 as registered at Police Station Women, District Ludhiana, under Sections 406 & 498-A IPC as well as all the subsequent proceedings arising therefrom (if any) are hereby quashed. The petition in hand stands allowed accordingly.

29.08.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No