

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

CRM-M No.13845 of 2023 (O&M)

Date of Decision: 24.08.2023

Gurvinder Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

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

Present:- Ms. Ekta Sharma, Advocate,
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab,
for respondent No.1-State.

Mr. Rajender Kumar, Advocate, appearing for
Mr. Pushpinder Kaushal, Advocate,
for respondent No.2.

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MEENAKSHI I. MEHTA, J. (ORAL)

CRM No.25951 of 2023

This application has been moved on behalf of the applicant-petitioner for seeking permission to place the copies of the judgment and the decree dated 21.04.2023 (Colly), on the record as Annexure P-3.

Notice in the application.

Learned State counsel as well as learned counsel appearing for respondent No.2 accept the notice and submit that they have no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as mentioned in the instant application, the same is allowed and Annexure P-3 (Colly) is taken on the record.

CRM No.25957 of 2023

At the very outset, learned counsel for the applicant-petitioner submits that the present application has been rendered infructuous.

Resultantly, this application stands disposed of accordingly.

CRM-M No.13845 of 2023

The petitioner herein has prayed for the quashing of the FIR bearing No.19 dated 19.06.2020 registered at Police Station Women Cell, Bathinda, under Section 498-A IPC (wherein the offence under Section 494 IPC is stated to have been added later-on) as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise regarding their dispute, leading to the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations levelled by the prosecution against the petitioner in the instant case, are that he had subjected respondent No.2-complainant to cruelty for bringing insufficient dowry and had also solemnized the second marriage with one Kirandeep Kaur Gill.

3. Vide the order dated 20.03.2023 as passed by the Co-ordinate Bench, the parties had been directed to appear before the Illaqa/Duty Magistrate on 04.05.2023 for recording their statements in respect of the afore-referred compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Bathinda, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that there is only one accused, i.e the petitioner, in this case and he

has not been declared proclaimed offender nor any such proceedings have been initiated nor pending against him and in view of the statements of the parties, she was of the considered opinion that the compromise, as affected between them, is genuine and the same has been arrived at voluntarily and without any pressure, coercion or undue influence from any quarter and as per the statement of the Investigating Officer named ASI Gurmeet Singh, the petitioner is not involved in any other criminal case. The statements of the petitioner, respondent No.2 and the said Investigating Officer, have also been annexed with the above-said report.

4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel appearing for respondent No.2 in the present 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 and as is explicit from the perusal of Annexure P-3, i.e the copies of the judgment and decree dated 21.04.2023 passed by learned Additional District Judge, Chandigarh, the petitioner and respondent No.2-complainant have already parted their ways by way of the dissolution of their marriage on the basis of mutual consent, as envisaged under Section 13-B of the Hindu Marriage Act, 1955. It being so, there are bleak chances of the conviction of the petitioner and in these 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 above-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.19 dated 19.06.2020 as registered at Police Station Women Cell, Bathinda, under Section 498-A IPC (wherein the offence under Section 494 IPC is stated to have been added later-on) as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

24.08.2023

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**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No