

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47693-2018

Date of decision :26.05.2023

SATISH KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Arishit Goel, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asst. A.G., Punjab.

None for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C.
is for quashing of the FIR No.199 dated 04.09.2018 under Section 328
IPC, 1860 registered at Police Station Moti Nagar, District Ludhiana and
all subsequent proceedings arising therefrom on the basis of compromise
deed (Annexure P-2).

On 29.10.2018, the following order was passed:-

*Notice of motion for 21.1.2019.**On the asking of this Court, Mr. V.G.Jauhar, Sr.
DAG, Punjab, who is present in Court, accepts notice
on behalf of the State. Learned counsel for the
petitioner undertakes to supply a complete set of the
paperbook to the learned State counsel during the
course of the day.**Mr. Viren Jain, Advocate, has appeared for
respondent No.2 and filed his power of attorney
which is taken on record.**In the meantime, parties are directed to appear
before the learned trial court/Illaq Magistrate on*

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22.11.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through fax, for compliance.

Thereafter, on 21.01.2019, the following order was passed:-

Counsel for the respondent No.2-complainant states that on the date fixed the complainant could not go to record her statement as she was unwell and prays for one more opportunity to record the statements of the parties.

Let the parties now record their statement on 26.2.2019 and trial Court/Illaq Magistrate is directed to send the report on or before the date fixed in this petition.

Adjourned to 18.3.2019.

On 18.03.2019, the following order was passed:-

This is a petition for quashing of FIR No.199 dated 04.09.2018 registered under Section 328 IPC at Police Station Moti Nagar, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise between the parties.

Statements have been recorded as per the report dated 01.03.2019. As per the record, no other case is pending between the parties and no proceedings to declare the petitioner as proclaimed offender is pending.

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Counsel for the complainant-respondent No.2 states that the matrimonial dispute is pending between the parties and though the matter has been compromised but it would be appropriate to await the final decision of the matrimonial proceedings between the parties. Counsel for the respondent No.2 further states that at least one year's time would be required for the same.

I find this to be a fair request. Consequently, the matter is adjourned to 01.04.2020.

In the meantime, further proceedings shall remain stayed.

Thereafter, the matter has been adjourned from time to time and has come up for hearing today.

The learned counsel for the petitioner states that in terms of the order dated 18.03.2019 as divorce has been granted to the petitioner and respondent No.2 vide decree dated 09.10.2020 passed by the Addl. Principal Judge, Family Court, Ludhiana and the parties have got recorded their statements with regard to the compromise as per report dated 01.03.2019 of JMIC, Ludhiana, the FIR and all subsequent proceedings arising therefrom be quashed even though respondent No.2 has deliberately chosen not to appear before this Court.

The learned State counsel has accepted the arguments as raised by the counsel for the petitioner.

I have heard the learned counsel for the parties.

Admittedly, the present FIR is an outcome of matrimonial dispute. A compromise had been effected between the parties. They

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have got recorded their respective statements in that regard. In the meanwhile, a decree of divorce has already been passed. Therefore, no useful purpose would be served by allowing the present proceedings to continue.

Thus, FIR No.199 dated 04.09.2018 under Section 328 IPC, 1860 registered at Police Station Moti Nagar, District Ludhiana and all subsequent proceedings arising therefrom stands quashed.

(JASJIT SINGH BEDI)
JUDGE

26.05.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No