

CRM-M-35407-2023 (O&M)

1

254-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35407-2023 (O&M)
Date of decision : 10.10.2023

Harjinder Singh & others ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kudrat Sareen, Advocate for
Mr. Sarju Puri, Advocate for the petitioners.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Kartik Bansal, Advocate for
Mr. Abhinav Singh, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed for quashing of complaint bearing No.148/01/16 instituted on 19.05.2014 (Annexure P-1) titled as “Inderpreet Kaur Vs. Harjinder Singh and Ors.” under Sections 406, 498-A, 420, 465, 467, 468, 471, 376, 120-B of Indian Penal Code, 1860 along with all subsequent proceedings arising therefrom including the impugned order dated 07.09.2017 (Annexure P-2) passed by the Judicial Magistrate 1st Class, SBS Nagar, on the basis of the a compromise arrived at between the parties.

2. Vide order of even date passed in connected petition (CRM-M-45994-2019), the FIR No.17 dated 04.08.2014 under Sections 406, 498-A of IPC, Police Station NRI P.S., District SBS Nagar, which was got registered

by respondent No.2 against the petitioners, along with all subsequent proceedings arising therefrom, has been quashed on the basis of the compromise and the statements of the parties recorded before the concerned Illaqa Magistrate/CJM SBS Nagar. The above complaint was filed by respondent No.2 on the same allegations as in the FIR.

3. Learned counsel for the petitioners has contended that respondent No.2 qua the allegations in the FIR had also filed the complaint bearing No.148/01/16 dated 19.05.2014 (Annexure P-1) titled as “Inderpreet Kaur Vs. Harjinder Singh and Ors.” against the petitioners, which is pending at the initial stage. It is further the contention of learned counsel that in view of the compromise between the parties and the fact that marriage between petitioner No.1 and respondent 2 already stands dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, the above complaint may be also quashed.

4. Learned counsel for the complainant-respondent No.2 does not dispute the above contention of learned counsel for the petitioners and has no objection if the above complaint filed by respondent No.2 is also quashed on the basis of the compromise between the parties and the fact that the marriage between the petitioner No.1 and respondent No.2 already stands dissolved by way of mutual consent.

5. Heard.

6. The FIR No.17 dated 04.08.2014 under Sections 406, 498-A of IPC, Police Station NRI P.S., District SBS Nagar was lodged by respondent No.2 against the petitioners and had simultaneously also filed the above

private complaint against the petitioners which is admittedly pending at the initial stage. Vide order of even date passed in connected petition (CRM-M-45994-2019), the above FIR along with all subsequent proceedings arising therefrom, has been quashed on the basis of the compromise and the statements of the parties recorded before the concerned Illaqa Magistrate/CJM, SBS Nagar. Admittedly, the marriage between petitioner No.1 and respondent No.2 already stands dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Learned counsel for respondent No.2 has no objection if the above complaint is also quashed.

7. In view of the above, the complaint bearing No.148/01/16 instituted on 19.05.2014 (Annexure P-1) titled as “Inderpreet Kaur Vs. Harjinder Singh and Ors.” under Sections 406, 498-A, 420, 465, 467, 468, 471, 376, 120-B of Indian Penal Code, 1860 along with all subsequent proceedings arising therefrom including the impugned order dated 07.09.2017 (Annexure P-2) passed by the Judicial Magistrate 1st Class, SBS Nagar stands quashed.

8. Disposed off. Pending applications, if any, also stand disposed off.

10.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO