

2023:PHHC:090598

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

279

CRM-M No.31777 of 2022 (O&M)
Date of Decision: 19.07.2023

Jujhar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Arshdeep Singh Khaira, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab
for respondents No.1 to 3.

Ms. Gagandeep Kaur, Advocate
for respondent No.4.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.29311 of 2023

This application has been moved on behalf of the applicants-
petitioners for seeking permission to place the judgment passed by learned
Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala
on 16.12.2022, on the record as Annexure P-9.

Notice in the application.

Learned State counsel and learned counsel for respondent
No.4 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 as prayed for and Annexure P-9 (Colly) is taken on the record.

CRM-M No.31777 of 2022

By way of the present petition, the petitioners have prayed for the quashing of the FIR bearing No.0067 dated 04.08.2021 registered at Police Station Qadian, District Batala, under Sections 498-A, 406, 506 & 120-B IPC as well as all the consequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, leading to the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.4-complainant Malkit Kaur in the subject FIR, are that the petitioners had subjected her to cruelty for bringing insufficient dowry and on account of the non-fulfilment of their demand for more dowry and they had also retained her '*Istridhan*' and other dowry articles.

3. Vide the order dated 29.11.2022 as passed by the Co-ordinate Bench, the parties were directed to appear before the Area Magistrate/Trial Court on 11.01.2023 for recording their statements in respect of the afore-said compromise. In compliance of this order, learned Judicial Magistrate 1st Class, Batala, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that in view of the statements of the parties, she was satisfied that the compromise affected between them is genuine and is not the result of any pressure or coercion and none of the accused has been declared a proclaimed person/offender in this case and as per the statement of the Investigating Officer,

the above-said FIR has been registered against four persons, i.e the present petitioners, only on the basis of the statement of complainant Malkit Kaur, i.e respondent No.4 and no other FIR/complaint is pending against them (petitioners). The joint statement of the petitioners and separate statements of respondent No.4 and the Investigating Officer named ASI Kulwinder Singh, have been annexed with the said report.

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

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 Annexure P-9, i.e the copies of the judgment and decree passed by the Family Court, petitioner No.1-husband and respondent No.4-wife 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 petitioners 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.0067 dated 04.08.2021 as registered at Police Station Qadian, District Batala, under Sections 498-A, 406, 506 & 120-B IPC as

well as all the consequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

19.07.2023

(MEENAKSHI I. MEHTA)

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JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No