

2023:PHHC:123800

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

**CRM-M No.34302 of 2019
Date of Decision: 20.09.2023**

Amandeep and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Mehar Singh Rai, Advocate,
for the petitioners.

Mr. Gurlal Singh Dhillon, AAG, Punjab
for respondent No.1-State.

Mr. R.S. Bhatta, Advocate
for respondent No.2.

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MEENAKSHI I. MEHTA, J.

The petitioners herein have prayed for the quashing of the FIR bearing No.106 dated 11.11.2018 registered at Police Station Vairo Ke, Tehsil Jalalabad, District Fazilka, under Sections 406 & 498-A IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, culminating in the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that the petitioners subjected her to cruelty for bringing insufficient dowry and for demanding

more dowry and due to the non-fulfilment of their said demand and they have also retained the dowry articles, including her '*Istridhan*'.

3. Vide the order dated 22.08.2019 as passed by the Co-ordinate Bench, the parties were directed to appear before the Illaqa Magistrate/trial Court on 30.09.2019 for recording their statements in respect of the afore-referred compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Jalalabad (W) recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that the compromise arrived at between the parties is genuine and it has been affected by them voluntarily and without any coercion or undue influence and three persons have been arrayed as the accused in the FIR and none of them has been declared proclaimed offender and as per the statement of ASI Desh Raj, the criminal case under reference had been registered at the instance of respondent No.2-complainant against the petitioners and except the complainant, there is no other aggrieved person in the case. Statements of the petitioners, respondent No.2-complainant and the above-named ASI, have been annexed with the afore-said report.

4. I have heard learned counsel for the petitioners 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 above-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 copy of the judgment dated 20.01.2020 passed by learned Additional Civil Judge (Senior Division), Jalalabad (W), petitioner No.1-

husband and respondent No.2-wife have already parted their ways by way of the dissolution of their marriage on the basis of their 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 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.106 dated 11.11.2018 registered at Police Station Vairo Ke, Tehsil Jalalabad, District Fazilka, under Sections 406 and 498-A IPC as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

20.09.2023

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No