

2023:PHHC:127216

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

**CRM-M No.54818 of 2022
Date of Decision: 29.09.2023**

Bimla Devi and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vishal Munjal, Advocate,
for the petitioners.

Mr. Virat Rana, AAG, Punjab
for respondent No.1-State.

Mr. Abhishek Thakur, Advocate
for respondent No.2.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioners herein have prayed for the quashing of the FIR bearing No.0055 dated 18.07.2018 as registered at Police Station Shahpur Kandi, District Pathankot, under Sections 498-A, 406 & 506 IPC as well as all the consequential 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 against the petitioners in the subject FIR, are that petitioner No.1, her husband and petitioners No.2 and 3, her parents-

in-law, had subjected her to cruelty for bringing insufficient dowry and also to demand more dowry and due to the non-fulfilment of their said demand.

3. Vide the order dated 29.11.2022 as passed by the Co-ordinate Bench, the parties had been directed to appear before the trial Court/Illaqa Magistrate on 12.01.2023 for recording their statements in respect the afore-referred compromise and in compliance of the said order, learned Judicial Magistrate Ist Class, Pathankot, recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that from the statements of the parties, it appears that the compromise arrived at between them is genuine and it has been affected by them voluntarily and without any pressure and there are three accused persons, i.e the petitioners, in the criminal case under reference and that as per the statement of the Investigating Officer ASI Ram Pal, none of the petitioners has been declared proclaimed offender nor is involved in any other criminal case and there is only one victim/complainant in this case. Copies of the joint statement of the petitioners and the separate statements of respondent No.2 and the above-named ASI, have been annexed with the afore-said report. Learned counsel for the petitioners has also submitted the copy of the judgment as passed by learned Principal Judge, Family Court, Pathankot, on 18.05.2023, in the Court today and the same has been placed on the file.

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 moreover, as is explicit from the copy of the afore-referred judgment, 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 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.0055 dated 18.07.2018 as registered at Police Station Shahpur Kandi, District Pathankot, under Sections 498-A, 406 and 506 IPC as well as all the consequential proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

29.09.2023

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No