

UMESH KUMAR AGNIHOTRI

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Rishabh Singla, AAG, Punjab.

Mr. Paramjit Singh Saini, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

The petitioner is seeking to quash the FIR No.388 dated 31.08.2022 registered under Sections 406 and 498-A of Indian Penal Code at Police Station, Zirakpur, District S.A.S. Nagar (Mohali) and all consequential proceedings arising therefrom on the basis of compromise dated 30.08.2023 (Annexure P-3).

2. The following order was passed on 29.09.2023 :-

“1. The petitioner is seeking to quash the FIR No. 388 dated 31.08.2022 registered under Sections 406 and 498-A of Indian Penal Code at Police Station, Zirakpur, District S.A.S. Nagar (Mohali) and all consequential proceedings arising therefrom on the basis of compromise.

2. *Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 09.05.2016 but no child has been born from the wedlock. The petitioner and respondent No. 2 were divorces at*

the time of their marriage and the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 30.08.2023 (Annexure P-3). The petitioner shall pay a sum of Rs.13,00,000/- to respondent No. 2 on account of permanent alimony. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage with mutual consent in the learned Family Court, SAS Nagar (camp at Dera Bassi). A sum of Rs. 6.5 lacs has already been paid to the respondent No. 2 and the balance amount of Rs. 6.5 lacs shall be paid when the statement of the parties shall be recorded at the stage of second motion. The respondent No. 2 has received all her articles of Stree Dhan and nothing else is due payable to her by the petitioner. No other case is pending between the parties.

3. *Notice of motion.*

4. *Ms. Ruchika Sabherwal, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. Paramjit Singh Saini, Advocate has put in appearance on behalf of respondent No. 2, filed his power of attorney and admitted the factum of compromise.*

5. *In view of the above, parties are directed to appear before the trial Court/Illaqa Magistrate on 17.10.2023 to get their statement(s) recorded with regard to compromise/settlement. It is made clear that if for any reason, the statements are not recorded on that date, the same may be recorded on any subsequent date to the convenience of the Court concerned.*

6. *The learned trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arraigned as accused in FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or nor;*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

7. *The report of the trial Court/Duty Magistrate be awaited for 22.11.2023.”*

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.388 dated 31.08.2022 registered under Sections 406 and 498-A of Indian Penal Code at Police Station, Zirakpur, District S.A.S. Nagar (Mohali) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 08, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No