

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

126+228

CRM-M-43776 of 2021 (O&M)

Date of decision:29.07.2022

Gaganpreet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Gagan Bajaj, Advocate for
Mr. A.S.Mann, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)
CRM No.26827 of 2022

Application is allowed as prayed for.

Judgment and decree dated 05.05.2022 passed by learned Principal Judge, Family Court, Rupnagar under Section 13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-M-43776 of 2021

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.24 dated 04.06.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, District

Amritsar (Annexure P-1), on the basis of compromise dated 06.10.2021 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 20.09.2015 and there is no child out of the wedlock. He submits that due to temperamental differences, parties could not pull along and have been living separately since 24.02.2016. As per counsel, with the intervention of respectables and relatives, compromise (Annexure P-2) was arrived at between the parties and the marriage has been dissolved by judgment and decree dated 05.05.2022 (Annexure P-4). By referring to para 6 of the judgment, Annexure P-4, counsel submits that a sum of Rs.25.00 lacs which includes Rs.5.00 lacs for the gold ornaments allegedly in the possession of the petitioner, has been paid to the complainant-respondent No.2. Still further, he submits that besides petitioner, his mother-Harjinder Kaur is also an accused, but she has unfortunately expired. Reference has been made by counsel to the Death Certificate (Annexure P-3).

Upon instructions from ASI Kashmir Singh, State counsel submits that the matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 14.10.2021, this Court directed the parties to appear before the Trial Court/Illaqa Magistrate for recording of their

statements in support of the compromise and a report was called for from the Court concerned regarding the genuineness of the compromise as also as to whether PO proceedings are pending against any of the parties. Report has been received from the Trial Court and its relevant extract is as under:-

“3. Statements of investigating officer SI Gurdeep Singh, 456, PS Women, Amritsar has also been recorded to the effect that FIR was registered against accused Gaganpreet Singh and Harjinder Kaur and only these two accused are involved in the present case. He further stated that no accused has ever been declared as proclaimed offender in the present case.

4. From the statement of complainant Vaneet Kaur and Dewan Varender Partap Singh special power of attorney holder of accused Gaganpreet Singh so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.”

It is evident from the above that FIR (Annexure P-1) is an offshoot of a matrimonial dispute, which has been amicably settled and the marriage has been dissolved.

In view of the above circumstances, report of the Trial Court and judgments of the Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** and **Parbatbhai Aahir alias**

Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641, this Court is of the view that continuation of criminal proceedings would be an exercise in futility, rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.24 dated 04.06.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, District Amritsar (Annexure P-1) is quashed qua the petitioner.

**(SUVIR SEHGAL)
JUDGE**

July 29, 2022
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>