

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

**Crl. Misc. No. M-42907 of 2013 (O&M)
Date of decision: 04.02.2015**

Karambir @ Ranbir

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sat Narain Yadav, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Ajit Sihag, Advocate,
for respondent No.2.

RITU BAHRI, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No.100 dated 22.03.2011, under Section 31 of Prevention of Women from Domestic Violence Act, 2005, registered at Police Station, Narnaud, Tehsil Hansi, District Hisar (Annexure P-3).

On a complaint made by Suman-respondent No.2 under Section 156 (3) Cr.P.C., FIR No.234 dated 01.06.2010, under Section 498-A, 406, 506, 323, 34 IPC (Annexure P-1) was registered against her husband, Karambir-petitioner, mother-in-law Shakuntla and sister-in-law. However, the petitioner was found innocent and accordingly, the challan was not presented against him. Thereafter, the complainant filed another complaint under Section 31 of the Act before the Illaqa Magistrate, which was sent to the police for investigation. Vide report dated 26.11.2010 (Annexure P-2), the allegations were found to be false. Thereafter, present FIR No.100 dated 22.03.2011, under Section 31 of Prevention of Women from Domestic

Violence Act, 2005, was registered at Police Station, Narnaud, Tehsil Hansi, District Hisar (Annexure P-3). Thereafter, challan (Annexure P-4) was presented against the petitioner on 26.04.2011 and charges were framed on 24.05.2011 (Annexure P-5). Suman, wife of the petitioner, also filed execution petition in an application under Section 125 Cr.P.C. On 23.05.2013, she made a statement (Annexure P-6) to the effect that she had entered into a compromise and did not want to proceed further with the execution petition. On the basis of aforesaid statement, the execution petition was dismissed as withdrawn vide order dated 23.05.2013 (Annexure P-7).

Learned counsel for the petitioner states that the petitioner is patient of cancer since 2011 and he was getting treatment from Pandit B.D. Sharma, Post Graduate Institution of Medical Science as per treatment slip dated 14.05.2011 (Annexure P-8). After the compromise was effected between the parties, the complainant got divorce from the petitioner and thereafter, remarried.

Upon notice, reply on behalf of respondent No.1-State, in the shape of affidavit of Deputy Superintendent of Police, Hansi, has been filed in Court, wherein it has been stated that after completion of evidence, the trial was fixed at the stage of arguments.

Learned counsel for respondent No.2, after being served, has not chosen to file any reply to the petition.

Heard, counsel for the parties.

The execution petition filed by Suman-respondent No.2 was withdrawn on 23.05.2013 and as per the facts, mentioned in para No.10 of the petition, she has already got divorce from the petitioner and thereafter, solemnized her second marriage. This fact has not been controverted by

respondent No.2 by filing any reply. The petitioner has been summoned to face trial in the present FIR (Annexure P-3), which was registered way back in the year 2011.

After going through the statement dated 23.05.2013 (Annexure P-6) made by complainant-respondent No.2, it is apparent that she had compromised the matter with Karambir @ Ranbir-petitioner and had withdrawn the execution petition. Challan, in the present FIR, was presented on 30.04.2011. Once the matter was compromised between the parties and divorce was granted to complainant-respondent No.2, continuation of criminal proceedings in the present FIR, would amount to an abuse of the process of Court, as complainant-Suman has already solemnized marriage after getting divorce from the petitioner.

Accordingly, FIR No.100 dated 22.03.2011, under Section 31 of Prevention of Women from Domestic Violence Act, 2005, registered at Police Station, Narnaud, Tehsil Hansi, District Hisar (Annexure P-3), is quashed with all consequential proceedings arising therefrom qua the petitioner.

Petition stands allowed accordingly.

(RITU BAHRI)
JUDGE

04.02.2015
ajp