

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

105

(PROCEEDINGS THROUGH V.C.)

CRM-24085-2020 & CRM-M-35337-2019

DATE OF DECISION: SEPTEMBER 30, 2020

Nitin Garg

.....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Paras Talwar, Advocate,
for the petitioner.

Mr. Arun Beniwal, DAG, Hry.

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM-24085-2020

Prayer in the present application is for preponing the date of hearing in the main petition from 15.12.2020 to some actual date.

Notice of the application.

On the asking of the Court, Mr. Arun Beniwal, Deputy Advocate General, Haryana, accepts notice.

For the reasons mentioned in the application, which is supported by an affidavit of the applicant-petitioner, the same is allowed and hearing of the main petition is preponed to today and is taken on board for hearing.

CRM-M-35337-2020

Prayer in the present petition is for quashing of FIR No.144, dated 05.03.2012 registered under Sections 406, 498A, 506, 34 IPC (Section 34 IPC was deleted lateron) at Police Station Sirsa City, District Sirsa, and all subsequent proceedings arising therefrom, which has been registered at the behest of respondent No.2, Neha daughter of Lalit Kumar Bansal against the erstwhile husband, Nitin Garg (petitioner herein) on the basis of compromise dated 31.05.2019 (Annexure P-2).

On 01.10.2019, when the case came up for hearing, following order was passed by this Court:-

“ Mr. Sidharth, Advocate puts in appearance of his own on behalf of respondent No.2 by filing memo of appearance. He is directed to file power of attorney by the next date of hearing.

Notice of motion.

On the asking of the Court, Mr. Baljinder Virk, DAG, Haryana accepts notice. Let copy of paper book be supplied to him.

In the light of oral submissions of the parties that they have effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Sirsa City, District Sirsa within 15 days from today to record their statements and the Illaqa Magistrate shall make a report as to its satisfaction if the same is outcome of voluntariness, without any coercion or threat and submit it back before the next date of hearing alongwith the statements recorded in original. The

Magistrate shall also intimate if any of the parties to this petition has been declared as proclaimed offender.

For report, list on 23.04.2020, on which date, private parties to petition shall appear personally before this Court.”

In pursuance of the said order, parties had appeared before the Chief Judicial Magistrate, Sirsa, and got recorded their respective statements. On the basis of the said statements of the petitioner as well as respondent No.2-complainant, report dated 18.12.2019 has been submitted by the Chief Judicial Magistrate, Sirsa, according to which complainant-Neha (respondent No.2 herein) and Nitin Garg (petitioner herein) have stated that they have settled the matter voluntarily with their free will. Opinion has also been expressed by the Court that the compromise between the parties has been effected voluntarily, with free will and in order to settle the dispute between the parties. The compromise appears to be genuine and none of the parties has been declared as proclaimed offender in the case.

Counsel for the petitioner, on the basis of said report dated 18.12.2019 of the Chief Judicial Magistrate, Sirsa, as also the compromise dated 31.05.2019 (Annexure P-2), which has been entered into between the parties, followed by divorce decree dated 07.12.2019 granted to the petitioner as well as respondent No.2 under Section 13-B of the Hindu Marriage Act, asserts that the matter having been amicably resolved between the erstwhile husband and the wife and the parties have even acted thereupon, the present petition be allowed and the FIR, Annexure P-1 registered against the petitioner alongwith all consequential proceedings arising therefrom be quashed.

Although counsel for complainant-respondent No.2 has not put

in appearance today but in the light of the statements, which have been recorded by the Chief Judicial Magistrate, Sirsa and sent alongwith her report dated 18.12.2019, a perusal whereof indicates that on the basis of compromise dated 31.05.2019 (Annexure P-2) decree of divorce has also been passed, there appears to be no opposition to the prayer made in the present petition.

Keeping in view the fact that the matter has been amicably resolved between the parties and the dispute having been amicably settled and in the light of ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.144, dated 05.03.2012 registered under Sections 406, 498A, 506, 34 IPC (Section 34 IPC was deleted lateron) at Police Station Sirsa City, District Sirsa, along with all consequential proceedings arising therefrom are hereby quashed qua the present petitioner only.

September 30, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No