

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-40845 of 2021
Date of decision:29.11.2021

Amit Sharma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.S.K.Tripathi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Ms. Aastha Sharma, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0247 dated 30.03.2018 registered under Sections 498-A, 406, 506, 377 of Indian Penal Code, 1860 at Police Station Saran, District Faridabad (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties as is reflected in the divorce decree dated 11.08.2021 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 07.01.2016

and there was no issue out of the wedlock. He submits that due to temperamental differences between them, they were living separately since 10.03.2017 and FIR (Annexure P-1) had been lodged by the complainant-respondent No.2 against the petitioner and his family members. He submits that all the disputes between the parties have been settled, marriage has been dissolved by virtue of decree of divorce passed by mutual consent under Section 13-B of Hindu Marriage Act, 1955 on 11.08.2021 (Annexure P-2) and the entire amount of Rs.4.50 lacs, has been paid to the complainant-respondent No.2 by way of permanent alimony.

Counsel representing respondent No.2 has affirmed the factual position.

Upon instructions from SI Surender, State counsel submits that the charges have been framed against the petitioner under Sections 498-A, 406, 506, IPC and the trial is pending.

Heard counsel for the parties.

Vide order dated 29.09.2021, the parties were directed to appear before the trial Court/Illaq Magistrate and get their statements recorded regarding the genuineness of the compromise and a report was called for from the trial Court as to whether PO proceedings are pending against any of the parties. In compliance of the said order, a report has been received and the relevant extract thereof, is reproduced as under:-

“(iii) As per record and the report of the concerned Investigation Officer, Retd. ACP Ms.Sushil Kumari, none has been declared as Proclaimed Offender/person in the present

FIR No.247 dated 30.03.2018 under Section s 498-A, 406, 506 and 377 IPC, P.S.Saran, District Faridabad.

(iv) This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily and without any coercion or undue influence between the complainant Babli Dhiman and the accused person namely Amit Sharma and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

From the factual matrix noticed above, it is apparent that the FIR is an outcome of marital dispute between the parties, which has been settled and quashing of the FIR will bring end to the acrimony and bitterness between them. Therefore, no purpose would be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0247 dated 30.03.2018 registered under Sections 498-A, 406, 506, 377 of Indian Penal Code, 1860 at Police Station Saran, District Faridabad (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

November 29, 2021
savita

(SUVIR SEHGAL)
JUDGE

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