

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40536 of 2021
Date of decision:29.11.2021

Buta Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Lather, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Mahesh Saxena, 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.0029 dated 11.03.2019 registered under Sections 323, 34, 354, 406, 498-A, 506 of Indian Penal Code, 1860 (for short "IPC") (Section 354 IPC was deleted later on) at Women Police Station, District Jind (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of an affidavit dated 17.09.2021 (Annexure P-4) executed by the complainant-respondent No.2.

Counsel for the petitioners submits that petitioner No.1 is the former husband and petitioners No.2 and 3 are former in-laws of the complainant-respondent No.2. He submits that marriage between petitioner

No.1 and respondent No.2 was solemnized on 27.11.2010 and two children, a daughter and son were born out of the wedlock. The parties started living separately from January, 2017 as there was irretrievable breakdown of marriage. He asserts that all the disputes and differences between the parties, have been settled, the marriage has been dissolved by virtue of decree of divorce passed by mutual consent on 19.04.2021 (Annexure P-3) and a sum of Rs.4.00 lacs has been paid by way of permanent alimony to the complainant-respondent No.2. Counsel submits that it has been mutually agreed that custody of the son will remain with the complainant-respondent No.2 and that of the daughter will remain with petitioner No.1. He submits that though the FIR was registered under Section 354 IPC also, but the said offence has been deleted, at the time of presentation of the challan.

Counsel representing the complainant-respondent No.2, besides admitting the factum of compromise, has admitted the statement of counsel for the petitioners.

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:-

“I have also questioned the parties about the voluntariness of their statement. From the statement of the

parties including complainant, accused and IO, I am satisfied that the compromise is genuine, voluntary and without any coercion or undue influence. The compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. As per IO, no PO proceeding is pending against any of the party. The statements of the complainant, accused and the IO have been recorded which are attached alongwith report as desired.”

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.0029 dated 11.03.2019 registered under Sections 323, 34, 354, 406, 498-A, 506 of Indian Penal Code, 1860 (Section 354 IPC was deleted later on) at Women Police Station, District Jind (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

November 29, 2021
savita

(SUVIR SEHGAL)
JUDGE

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