

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

107)

**CRM-12962-2021 &
CRM-12963-2021 in/and
CRM-M-42052-2020 (O&M)
Date of Decision: 10.05.2021**

Rohit Gupta

.....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sandeep Chhabra, Advocate,
for the petitioner.
(applicant in CRM-12962-2021 & CRM-12963-2021)

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Kanwar Yuvraj Singh, Advocate,
for respondent no.2.
(applicant in CRM-724-2021)

Amol Rattan Singh, J. (Oral)

CRM-12962-2021

Vide this application advancement of the date of hearing in the accompanying petition is sought, which otherwise now stands adjourned to 16.08.2021, with learned counsel for the applicant/petitioner pointing to the order earlier passed by this court, noticing a contention that the matter has been completely settled between the parties and therefore the FIR in question may be quashed.

Notice in the application.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the court on behalf of the respondent State, with Mr. Kanwar Yuvraj Singh, Advocate, appearing for respondent no.2 and accepting notice.

In view of the fact that the matter is shown to have been settled

between the parties, counsel for the respondents do not object to this application being allowed, which is consequently so allowed, with the date of hearing in the accompanying petition advanced to today itself.

CRM-12963-2021 &
CRM-724-2021 in/and
CRM-M-42052-2020

On 19.03.2021, the following order had been passed by this court, also reproducing therein the order passed earlier on 12.03.2021:-

“Case heard via video conferencing.

By this petition, the petitioner seeks quashing of FIR no.103 dated 11.07.2019, registered at Police Station Women, Faridabad, for the alleged commission of offences punishable under Sections 498-A, 406, 323 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioner and respondent no.2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Pursuant to the order of this court dated 15.12.2020, an affidavit of the complainant, i.e. respondent no.2, Shikha Sharma (wife of the petitioner), dated 31.12.2020, was filed vide CRM-724-2021, stating to the effect that the matter has been settled between the parties.

However, on 12.03.2021, the following order was recorded by this court:-

“CRM-724 of 2021

Vide this application, affidavits in compliance of the order dated 15.12.2020 are sought to be placed on record.

Notice be issued in the application to the counsel for the nonapplicant-petitioner who is not present today, with learned counsel for the applicant (respondent no.2) submitting that actually the counsel for the petitioner is based in Delhi and made a request that he may be allowed to appear via video conference on any other date.

Adjourned to 19.03.2021

Main case

Learned counsel for respondent no.2 submits that the amount of Rs.7,00,000/-as was to be still paid, as recorded in the order dated 25.02.2021, has still not been paid.

Naturally, counsel for the petitioner would need to explain that on the next date of hearing.”

Today, Mr. Brijender Kaushik, Advocate, appears for Mr. Kanwar Yuvraj Singh, Advocate for respondent no.2, and submits that the entire amount as settled has been received.

However, no vakalatnama in favour of Mr. Kaushik being on record, adjourned to 31.03.2021.”

Thereafter on 19.04.2021, learned counsel for the petitioner had submitted that since no report had been sought by this court from the Family Court, as regards the statement made in the second motion by both the parties, no such report has received though in fact the matter had been completely settled between the parties even as per the statement made in the second motion.

Today learned counsel for respondent no.2 appears and confirms that the matter has been completely settled between the petitioner and respondent no.2, with the entire amount as was agreed to be paid to respondent no.2 by the petitioner, as settlement towards their dispute, also having been received by respondent no.2. He therefore submits that respondent no.2 has no objection to the FIR in question being quashed.

In fact CRM-724-2021, which is an application filed by respondent no.2 through her special attorney, i.e. her father Hemant Dharni, seeking to place on record the affidavit of respondent no.2 herself (dated 31.12.2020, executed in Dubai), as also an affidavit of the SPA himself and his wife, i.e. the mother of respondent no.2, all to the effect that all of them have no objection to the FIR in question being quashed.

CRM-12963-2021 has also been filed by the applicant/petitioner through his special attorney (his mother Shashi Bala), seeking to place on record an order passed by the learned Additional Principal Judge, Family

Court, Faridabad, dated 09.04.2021, and the judgment passed by the same court on the same date, granting a decree of divorce to the petitioner and respondent no.2, under the provisions of Section 13-B of the Hindu Marriage Act, 1955.

In view of the above, the applications, CRM-724-2021 and CRM-12963-2021, are allowed, with the affidavits of respondent no.2 and her parents ordered to be taken on record with the accompanying petition and with the aforesaid order and judgment passed by the learned Addl.Principal Judge, Faridabad, also ordered to be so taken on record.

In view of the above, there is no reason to disallow the accompanying petition, i.e. CRM-M-42052-2020, even though no report directly from the Family Court has been received by this court (it not having been asked for by this court), but with learned counsel for respondent no.2 obviously not denying the factum of the matter having been completely settled between the parties and raising no objection to the quashing of the FIR; and the affidavit executed by respondent no.2 also having been filed.

Consequently, this petition is allowed with and FIR No.103, dated 11.07.2019, registered at Womens' Police Station, Sector 16-A, Faridabad, alleging therein the commission of offences punishable under the provisions of Sections 498-A/406/323 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

May 10, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No