

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(302)

CRM-M-682-2022 (O&M)-
Date of Decision:- 05.12.2022

Maninder Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Krishan M. Vohra, Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana for State-respondent No.1.

Mr. Ramesh Sharma, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-33548-2022

Application is allowed as prayed for.

Judgment and decree dated 04.07.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-10.

CRM-M-682-2022 (O&M)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0095 dated 19.02.2017, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Pehowa, District Kurukshetra, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 10.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that FIR, Annexure P-1, which has emanated from a matrimonial dispute, has been settled by virtue of compromise, Annexure P-2, and marriage has been dissolved by mutual consent vide judgment, Annexure P-10. Counsel submits that the entire permanent alimony of Rs.16 lacs has been paid and custody of the minor is with complainant-respondent No.2.

Upon instructions, State counsel submits that the trial is underway, but no prosecution witness has been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 26.04.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

- “(1) Three persons were arraigned as accused in the FIR and all of them appeared before the Court and made statements and none of the accused is absconding/P.O. in the present case.*
- (2) The name of complainant is Sandeep Kaur, who is the only injured/aggrieved and she has appeared and made her statement in support of the compromise.*
- (3) The case is at the stage of prosecution evidence.*
- (4) The compromise appears to be genuine, voluntary and out of free will of the parties.*
- (5) No other criminal case is registered against the accused persons as per report dated 17.05.2022 of MHC, P.S. City Pehowa.”*

As FIR, Annexure P-1, is a outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved, this Court is of the view that keeping the criminal proceedings alive will not serve any purpose.

Keeping in view the above developments, report of the Trial Court and the judgments of Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0095 dated 19.02.2017, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Pehowa, District Kurukshetra, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

05.12.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No