

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-1322 of 2021
Date of decision:06.07.2022

Kaushal and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pankaj Bali, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Anit Aggarwal, Advocate for
Mr. Munish Behl, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.355 dated 30.10.2020 registered under Sections 323, 328, 498-A, 34 of Indian Penal Code, 1860 at Police Station Gadpuri, District Palwal (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 29.12.2020 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of the complainant-respondent No.2. He submits that FIR (Annexure P-1) is an outcome of trivial matrimonial dispute between petitioner No.1 and respondent No.2, which has been settled. He submits that though allegation has been levelled that petitioner No.1 has forced her to consume poison and petitioner No.2

was also involved, but the complainant was never subjected to a medical examination. In other words, it is his argument that allegation under Section 328, IPC is not supported by any material. Counsel submits that in pursuance to the compromise (Annexure P-2), parties are residing together.

Upon instructions, State counsel submits that the matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 12.01.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements in support of the compromise and a report was called for from the Court concerned regarding genuineness of the compromise, number of accused as well as also as to whether any accused has been declared as Proclaimed Offender. Statements of the parties have been recorded and a report has been received, relevant extract of which is as under:-

“In the present case, two accused have been named in the FIR No.355 dated 30.10.2020, under Sections 323, 328, 498-A, 34 IPC, P.S.Gadhuri, District Palwal, namely Kaushal son of Deep Chand and Ramwati wife of Deep Chand. As per the record and the statement of IO, no accused has been declared as Proclaimed Offender in this case.

This Court, after perusing the record and statements of

the parties, is of the considered view that the compromise has been reached voluntarily between the parties and both the parties have made their statements voluntarily without any threat, inducement or pressure.”

It is evident that FIR is an offshoot of a matrimonial dispute, which has been settled and the parties are staying together. In view of the factual background, report of the Trial Court as well as judgments of the Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** , **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582**, **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court has no hesitation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.355 dated 30.10.2020 registered under Sections 323, 328, 498-A, 34 of Indian Penal Code, 1860 at Police Station Gadpuri, District Palwal (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

July 06, 2022
savita

(SUVIR SEHGAL)
JUDGE

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