

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

264

CRM-M-1612 of 2022
Date of decision:04.05.2022

Intiyaaz @ Imtiyaz

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arjun Dhingra, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Sumit, Advocate for
Mr. Sanyam Khetarpal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 08.02.2022, this Court passed the following order:-

“Heard through video conferencing.

*“Instant petition has been filed under Section 482
Cr.P.C seeking quashing of FIR No.0014 dated 17.01.2021
registered under Sections 323, 34, 406, 498-A of Indian Penal
Code, 1860 at Women Police Station, NIT, Faridabad, District
Faridabad (Annexure P-1) and all subsequent proceedings
arising therefrom, on basis of compromise dated 24.12.2021
(Annexure P-3) arrived at between the parties.*

Counsel for the petitioner submits that Nikah of the

petitioner was performed with the complainant-respondent No.2 on 30.11.2019 and there is no child out of the wedlock. He submits that there was a matrimonial dispute between the parties, which has been settled by virtue of compromise (Annexure P-3) and the parties have divorced each other by mutual consent on 18.11.2021 (Annexure P-2) under the Muslim Personal Law. Counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms.Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1-State. As per instructions received by her from HC Paramjit Singh, she submits that 08 persons were named as accused in the FIR, though challan has been presented only against the husband-petitioner. Still further, she submits that charge is yet to be framed.

Mr. Sanyam Khetarpal, Advocate appears on behalf of the complainant-respondent No.2. He has admitted the factum of compromise as well as submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 04.04.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to

the compromise. The Trial Court/Illaq Magistrate shall submit the report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Trial Court/Illaq Magistrate be awaited for 04.05.2022.”

Report has been received from the trial Court and its relevant extract is as under:-

“i) the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/PO in the case;

Report: As per the statement of IO, complainant Sahiba lodged complaint against Mubina (mother-in-law), Imtiyaaz (husband), Naim (brother-in-law-Jeth), Aisa (sister-in-law, Jethani), Sarfaraj (brother-in-law, Jeth), Rukmeena, Asma and

Aahad. But during investigation, accused Mubina (mother-in-law), Naim (brother-in-law, Jeth), Aisa (sister-in-law, Jethani), Sarfaraj (brother-in-law, Jeth), Rukmeena, Asma and Aahad were found innocent. In this case, challan was filed only against the accused Imtiyaaz (husband). Accused Imtiyaaz appeared before the Court and has made his statement in support of compromise. As per statement of IO, accused Imtiyaaz is not absconding/PO in this case.

ii) the name of complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?

Report: The name of the complainant/aggrieved/injured is Sahiba. She has appeared before the Court and recorded her statement in support of compromise.

iii) the stage of trial/proceedings;

Report: The present case is pending for supplying copy of challan to the accused.

iv) if the compromise is genuine, voluntary and out of free will of the parties;

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

v) Whether any other criminal case is pending against the

accused.

Report: As per statement of IO, there is no other criminal case is pending against the accused.”

FIR (Annexure P-1) is an outcome of matrimonial dispute, which has been settled and the marriage between the parties has been dissolved. In view of the judgments of Hon'ble Supreme Court **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543**, prolonging of criminal proceedings would be an exercise in futility and interest of justice would be served in case the same are set aside.

Accordingly, the petition is allowed. FIR No.0014 dated 17.01.2021 registered under Sections 323, 34, 406, 498-A of Indian Penal Code, 1860 at Women Police Station, NIT, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 04, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes