

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

268

CRM-M-6360-2022

Date of decision:03.08.2022

Nadeem and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Liaqat Ali, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Anu Kumar Vasudeva, Advocate for
Mr. Harsh Raheja, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 07.03.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.469 dated 09.09.2015 under Sections 498-A/406/323/34 of IPC, 1860, registered at Police Station Palam Vihar, District Gurgaon, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 20.12.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the divorced husband of complainant/respondent No.2 and petitioners No.2 to 4 are his relatives. Counsel submits that Nikah of petitioner No.1 was performed with the complainant/respondent No.2 on 28.04.2012 and a daughter was born out of the wedlock but she expired. Counsel submits that due to adjustment issues, parties could not pull along and FIR, Annexure P-1, was lodged by respondent No.2. He submits that the dispute has been settled by virtue of compromise deed, Annexure P-2, a sum of Rs. 5.60 lacs has been paid by the petitioners to the complainant and the marriage has been dissolved. He further submits that an application for

withdrawal of quashing petition (CRM-M-10504-2017) has been filed by petitioner No.4, but it is yet to be listed. By referring to Para 04 of the petition, he submits that none of the petitioners has been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State. As per instructions received by her from SI Devdutt, the trial is at the stage of recording of statements of prosecution witnesses. Mr. Harsh Raheja, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 10.05.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 Illaqa Magistrate/Trial Court be awaited for 03.08.2022.”

Counsel for the petitioners submits that the pending petition has been withdrawn from this Court vide order dated 08.03.2022. Report has been received from the trial court pursuant to the above reproduced order and its relevant extract is as under:-

“a. The FIR was registered against four persons namely husband Nadeem, brother in law Waleem Saifi, sister in law Neha and mother in law

- b. Only one person is complainant namely Gulista.
- c. No accused is a proclaimed person in the present case. No other criminal case against either of them is brought to the notice of this court.
- d. The compromise between the parties is voluntarily (sic voluntary), without any coercion, misrepresentation or undue influence.”

FIR, Annexure P-1, is an aftermath of a matrimonial dispute, which has been settled and the parties have decided to give a quietus to the dispute. In view of this development, report of the trial court and the judgments of the Supreme Court in **B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the view that continuation of criminal proceedings would be an exercise in futility and interest of justice would be best served if First Information Report is quashed.

Accordingly, petition is allowed. FIR No.469 dated 09.09.2015 under Sections 498-A/406/323/34 of IPC, 1860, registered at Police Station Palam Vihar, District Gurgaon, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

03.08.2022
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(SUVIR SEHGAL)
JUDGE

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