

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

297+125

CRM-M-4498 of 2022 (O&M)

Date of decision:16.05.2022

Kuldeep Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kushagra Beniwal, Advocate
for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Tanvir S. Grewal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.17095 of 2022

Counsel for the applicant-petitioners submits that marriage between petitioner No.4 and complainant-respondent No.2 has been dissolved, vide judgment and decree dated 24.01.2022 passed under Section 13-B of Hindu Marriage Act, 1955 and the entire permanent alimony of Rs.1.00 lakh has been paid.

In view of the above, application is allowed.

Judgment and decree dated 24.01.2022 is taken on record as
Annexure P-6.

CRM-M-4498 of 2022

On 03.02.2022, 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.143 dated 18.05.2019 registered under Sections 323, 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Police Station Taraori, District Karnal, (Annexure P-1) and all consequential proceedings arising therefrom, on basis of compromise dated 03.07.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioners No.1 and 2 are the in-laws, petitioner No.3 is the brother-in-law and petitioner No.4, who is residing in Dubai, is the husband of the complainant-respondent No.2. He submits that marriage between petitioner No.4 and the complainant-respondent No.2 was solemnized on 30.01.2015 and a son was born out of the wedlock. Counsel submits that due to different backgrounds, the parties could not adjust with each other and started living separately from 07.01.2018. He submits that dispute between the parties has been settled by virtue of compromise (Annexure P-2), wherein, it has been agreed that custody of the child will remain with the petitioners. Still further, he submits that in terms of the compromise, a petition for divorce by mutual consent has been filed, which has been decreed and as agreed,

a sum of Rs.1.00 lakh by way of permanent alimony has been paid to the complainant-respondent No.2. By referring to para 12 of the petition, counsel submits that the petitioners have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Sultan Singh, she submits that there were total 06 accused, challan has been presented qua 03 accused, who are petitioners No.1 to 3 before this Court. Still further, she submits that petitioner No.4-husband has never joined the investigation, as a result of which, investigation qua him is pending and the names of remaining two accused have been mentioned in column No.2 of the police report. She seeks and is granted time to file reply.

Mr. Tanvir Grewal, Advocate appears on behalf of respondent No.2 and has filed his 'Power of Attorney', which is taken on record. He has admitted the factum of compromise as well as submission made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 04.03.2022 or on any day 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 04.04.2022.

Judgment and decree passed by the Family Court dissolving the marriage between the parties be placed on record before the next date of hearing”.

Reply by way of an affidavit of Deputy Superintendent of Police, District Karnal-I, has been filed on behalf of State-respondent No.1, which is taken on record. Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“(i) A perusal of the records of the case reveal that in the present case, there are six accused persons and four of them

were present for recording their statements qua compromise as remaining two accused have been mentioned in column no.2 of police report and no proceedings qua proclaimed offender is initiated against accused persons.

(ii) Maninder Kaur is the complainant in the present case and has appeared before the Court for recording the statement qua compromise.

(iii) The proceedings in the present case is going on argument on charge.

(iv) Yes, the compromise between the parties is valid and genuine and has been effected without there being any kind of influence or coercion.

(v) No other criminal case is pending against the accused persons.”

It is evident that FIR (Annexure P-1) is a fallout of matrimonial dispute, which has been resolved and the marriage has been dissolved. In view of above backdrop, report of the Trial Court as well as judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** , **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and the same deserve to be set aside.

Accordingly, the petition is allowed. FIR No.143 dated 18.05.2019 registered under Sections 323, 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Police Station Taraori, District Karnal, (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 16, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes