

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118+273)

CRM-M-1587-2022 (O&M)
Date of Decision:- 13.09.2022

Neeraj Batra

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sukhdeep Singh, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. Sawaranpreet Singh, Advocate for
Mr. Pulkrit Jain, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-28567-2022

Application is allowed as prayed for.

Judgment dated 26.04.2022 passed under Section 13-B of the
Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

Main case

On 01.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.90 dated 27.09.2020 under Sections 323/406/498-A/506 and 34 of IPC, 1860, (Section 34 IPC was deleted later on) registered at Women Police Station, Panipat, District Panipat, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 20.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the petitioner was married to complainant/respondent No.2 on 14.10.2019 and there is no child out of the wedlock. He

submits that due to misunderstanding between them, the parties have been residing separately since 03.03.2020 and the dispute between the parties has been resolved by virtue of compromise, Annexure P- 2. He submits that in terms of the compromise, a petition seeking divorce by mutual consent has been instituted under Section 13-B of the Hindu Marriage Act, 1955, first motion has been recorded on 20.12.2021 and the second motion is to be recorded on 15.07.2022. Still further, he submits that out of the settled permanent alimony of Rs.5.80 lacs, half the amount has been paid and the balance is to be paid at the time of recording of second motion.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by her from ASI Ravinder Kumar, petitioner is a sole accused and charges have been framed against him. Mr. Pulkit Jain, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise effected between the parties. Still further, he submits that in terms of the compromise, the complainant has withdrawn petition instituted by her under Section 125 Cr.P.C. as well as separate petition filed under the provisions of The Protection of Women from Domestic Violence Act, 2005.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 25.04.2022 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. The report be forwarded to this Court 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 25.07.2022.”

Counsel for the petitioner submits that the petitioner has paid the balance amount of permanent alimony and marriage has been dissolved vide judgment, Annexure P-4.

Reply by way of an affidavit of Additional Superintendent of Police, Panipat has been filed on behalf of State-respondent No.1, which is taken on record.

Counsel for the complainant has confirmed the receipt of the entire permanent alimony and submits that he does not have any objection in case the prayer made in the petition is acceded too.

Heard counsel for the parties.

Pursuant to the above reproduced order, report has been received from the Trial Court and its relevant extract is as under:-

- “1. As per the statement/report of L/HC Sunita, seven persons i.e. accused Santosh, Deepak Batra, Diya, Dheeraj Batra, Gori @ Poonam Batra, N.K.Batra and Neeraj were arrayed as accused in the present FIR. Final report was filed only against accused Neeraj Batra. No accused is proclaimed persons/offender in the present FIR. Accused Neeraj facing trial appeared and got recorded his statement regarding compromise with complainant.*
- 2. Name of complainant is Neha. She is the only injured/aggrieved party. She appeared and got recorded her statement regarding compromise with accused Neeraj.*
- 3. The case is at the stage of prosecution evidence. Till date no witness has been examined by prosecution.*
- 4. The compromise arrived at between the parties i.e. respondent No.2/complainant Neha and accused/petitioner Neeraj Batra appears to be genuine, voluntary and out of free will of the parties.*
- 5. As per the report of L/HC Sunita, no other case is registered against accused Neeraj.”*

It is evident from the above, FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been amicably settled.

Keeping in view the above development, 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 Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the opinion that prolonging the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.90 dated 27.09.2020 under Sections 323/406/498-A/506 and 34 of IPC, 1860, (Section 34 IPC was deleted later on) registered at Women Police Station, Panipat, District Panipat, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

13.09.2022
Kamal

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