

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(276)

CRM-M-3426-2022 (O&M)
Date of Decision:- 18.05.2022

Ashok Kumar and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parminder Singh, Advocate for the petitioners.

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

Mr. Sukhdeep Singh, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Mr. Sukhdeep Singh, Advocate has filed Power of Attorney on behalf of respondent No.2, which is taken on record.

On 09.02.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.PC for quashing FIR No.119 dated 13.10.2018 registered under Sections 323, 406, 498-A, 506 IPC at Police Station Women, District Karnal (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners submits that on account of a marital discord between petitioner No.3 and respondent No.2-wife, FIR in question came into the existence at the instance of respondent No.2. He further submits that subsequently parties ironed out all their differences and arrived at an amicable settlement.

Notice of motion.

Mr. Sukhdeep Singh, Advocate, has put in an appearance on behalf of respondent No.2 and does not dispute the submissions made by counsel for the petitioners. He also does not oppose the prayer of the petitioners for

quashing of the FIR in question. He undertakes to file his power of attorney during the course of the day.

Adjourned to 18.05.2022.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 31.03.2022 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:-

- i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.”

Report has been received pursuant to the above reproduced order

and its relevant extract is as under:-

“On 19.04.2022, the complainant-Sushma appeared in Court and made statement to the effect that she has compromised the matter with Ashok, Saroj, Ajay, the compromise is voluntary and without pressure, the case may be finished. On 19.04.2022, accused-Ajay appeared in Court and made statement to the effect that he has compromised the matter with his wife/complainant, Sushma, they have decided to stay together, the compromise is voluntary and without pressure. On 21.04.2022, accused-Saroj and Ashok appeared in Court and made separate statement, inter alia, to the effect that they have compromised the matter with the complainant, Sushma, who is their daughter-in-law, the compromise is voluntary and without pressure. On 08.04.2022, the Investigation Officer appeared in Court and submitted report to the effect that there are three accused persons – Ajay Partap Singh (son of Ashok Kumar), Ashok Kumar (son of Jagjit Singh), Saroj W/o Ashok Kumar; Sushma W/o Dharampal is the complainant, accused persons are on bail; police report has been submitted in Court; none of them is proclaimed offender. The compromise between the parties is genuine, voluntary.”

It is evident that FIR, Annexure P-1, is an offshoot of a trivial matrimonial dispute, which has been settled, and the parties are living together.

Following the judgments of the Supreme Court in *Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*, *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court has no hesitation in quashing the FIR, Annexure P-1, in exercise of its inherent power.

Accordingly, the petition is allowed. FIR No.119 dated 13.10.2018 registered under Sections 323, 406, 498-A, 506 IPC at Women Police Station Women, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

18.05.2022
Kamal

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