

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

244+129

CRM-M-3218-2022 (O & M)
Date of decision:31.05.2022

Virender Kumar and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashish Sindher, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Rajesh Duhan, Advocate
for complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-19207-2022

Allowed as prayed for.

Judgment and decree dated 14.01.2022 passed under Section
13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure
P-4.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.86 dated 15.10.2018 under Sections 498-A, 406,

323 and 506 of IPC, 1860, however, Section 354 of IPC was added later on, registered at Women Police Station Yamunanagar, District Yamunanagar, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 05.07.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 11.11.2015 and there is no child out of the wedlock. He submits that due to differences between them, they could not cohabit together and have been separate in residence since August, 2017 and FIR, Annexure P-1, is an outcome of a marital discord between the two, which has been settled by virtue of compromise, Annexure P-2. Counsel submits that pursuance to the settlement, marriage has been dissolved by mutual consent vide judgment and decree dated 14.01.2022, Annexure P-4, and all claims *inter-se* the parties have been settled.

Upon instructions from ASI Kamla, State counsel submits that on conclusion of investigation, *challan* has been presented and charge has been framed against all the three accused-petitioners. As per further instructions received from her, State counsel submits that prosecution evidence is underway.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and he has no objection to the petition being accepted.

Heard counsel for the parties.

Vide order dated 07.02.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded with regard to the factum of compromise and a report was called for on the following counts:-

“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.”

Report has been received and its relevant extract is reproduced as under:-

“4. It is humbly submitted that complainant and all the accused namely Virender Kumar, Rajinder Kumar and Vimla Devi have appeared and made their respective statements in support of compromise effected between them. I am satisfied that the matter has been settled between the parties amicably/voluntarily. Thus, the compromise in the present case is genuine, voluntary and out of free will. It is further submitted that as per statement of ASI Kamla Rani no. 904, PS Women Yamuna Nagar (Investigating Officer), the name of complainant of present FIR is Divya daughter of Mahesh Kumar. Total four accused persons were arrayed as accused in the present FIR and names of accused were Virender Kumar son of Rajinder Kumar, Vimla Devi wife of Rajinder, Rajinder son of Devi Ram and Charmi wife of Aashish. However, challan was only presented against accused Virender Kumar, Rajinder Kumar and Vimla Devi. In the present case none of the accused has been declared proclaimed offender. The present case is at the stage of prosecution evidence.”

FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled and marriage between the parties has been dissolved by mutual consent. In view of above backdrop, report of the trial court and the judgments of the Supreme Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.86 dated 15.10.2018 under Sections 498-A, 406, 323 and 506 of IPC, 1860, however, Section 354 of IPC was added later on, registered at Women Police Station Yamunanagar, District Yamunanagar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

31.05.2022
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(SUVIR SEHGAL)
JUDGE

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