

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CRM-32506-2022 IN/AND CRM-M-3427-2020 (O&M)

Date of decision : 16.09.2022

Abhishek Sharma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anuj Garg, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana
for State-respondent No.1.

Ms. Shikha Sharma-respondent No.2 in person.

...

SUVIR SEHGAL, J. (Oral)

CRM-32506-2022

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed from 25.01.2023 to today
and it is ordered to be taken on Board.

CRM-25244-2021

Application is allowed as prayed for.

Annexures P-5 to P-9 are taken on record.

CRM-25245-2022

Counsel for the applicants-petitioners seeks and is granted permission to withdraw the application.

Dismissed as withdrawn.

CRM-M-3427-2020

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0362, dated 15.12.2017, registered for offences under Sections 120-B, 323, 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Pinjore, District Panchkula, Haryana, Annexure P-1, on the basis of compromise deed dated 23.11.2019, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 16.01.2017 at Zirakpur and there is no issue out of the wedlock. He submits that due to differences between them, they could not reside together and separated in April 2017. Counsel submits that FIR, Annexure P-1, is an outcome of matrimonial dispute, which has been settled by Deed of Settlement/Agreement/Memorandum of Understanding, Annexure P-2, and in terms thereof, marriage has been dissolved by judgment and decree of divorce dated 08.01.2021, Annexure P-8. Still further, counsel submits that in terms of settlement, Rs.9,00,000/- has been paid to complainant-respondent No.2 as permanent alimony and all the litigation inter se the parties have been

withdrawn.

Upon instructions from L/ASI, Amita Devi, State counsel submits that trial is under way and prosecution evidence is being recorded.

Complainant-respondent No.2, who is present in person, has admitted the factum of compromise as well as decree of divorce and has submitted that she has received the permanent alimony.

Vide order dated 28.01.2020, this Court directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their statements and a report was called for with following points:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is proclaimed offender; and,*
- (iii) The stage of trial/proceedings,*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

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

“It is submitted that after going through the statements made by the complainant and accused, this Court is satisfied that the statements regarding the compromise is made by them out of their own free-will and without any fear, threat or coercion from any side. The compromise also appears to be voluntarily in nature. Present case was at the stage of PWs when the report from this court was sought by the Hon'ble High

Court.”

As is apparent from the above, FIR, Annexure P-1, is an outcome of the matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Considering the above development, report of the Trial Court and judgment of the Hon'ble Supreme Court in *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 prolonging of the criminal proceedings would unnecessarily increase the agony of the parties, who have permanently parted ways. Moreover, the dispute being purely personal in nature, does not have any impact on the society. This Court is of the opinion that it is a fit case to exercise inherent powers vested in this Court.

Accordingly, petition is allowed. FIR No.0362, dated 15.12.2017, registered for offences under Sections 120-B, 323, 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Pinjore, District Panchkula, Haryana, Annexure P-1, alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

16.09.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes