

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(126+271)

CRM-M-4579-2022 (O&M)

Date of Decision:- 16.09.2022

Suresh Kumar and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raj Sumer Singh, Advocate for
Mr. Bhupinder Banga, Advocate for the applicants-petitioners.

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

Mr. Imran A. Ali, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-3525-2022 and CRM-35060-2022

Applications are allowed as prayed for.

CRM-35061-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 21.07.2022 passed under
Section 13-B of the Hindu Marriage Act, 1955 are taken on record as
Annexure P-3 (colly).

Main case

On 04.02.2022, this Court passed the following order:-

*“Heard through video conferencing.
Instant petition has been filed under Section
482 of the Code of Criminal Procedure, 1973 seeking*

quashing of FIR No.0287 dated 06.06.2017, registered for offences under Sections 34, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Meham, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.01.2022, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No. 2 is the mother-in-law of complainant-respondent No.2. He submits that marriage of the petitioner No.1 and complainant-respondent No.2 was solemnized on 15.05.2012 and a son was born out of the wedlock, but due to temperamental differences between the parties, the marriage could not work out and they started residing separately from March, 2015. He submits that the parties have resolved the differences amongst them and a compromise, Annexure P-2, has been arrived at and in terms, thereof, petition under Section 13-B of the Hindu Marriage Act, 1955 for divorce by mutual consent has been instituted. Counsel submits that as per the terms of the compromise, the custody of the minor child is to remain with the complainant-respondent No.2. Still further, he submits that in terms of the compromise out of the agreed permanent alimony of Rs.10 lacs, Rs.5 lacs has been paid at the time of recording of the first motion and the balance payment is to be made at the time of recording of second motion on 21.07.2022.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, AAG, Haryana accepts notice on behalf of respondent No.1-State. She has instructions to state that challan has been presented and the charges have been framed against the accused-petitioners. She has further instructions to state that the evidence of some of the prosecution witnesses has been recorded. Mr. Imran Ahmed Ali, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed his Power of Attorney, which is taken on record, and has admitted the factum of compromise as well as the submissions made by the counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 26.04.2022 or on any date within a fortnight 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 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 the Illaqa Magistrate/trial Court be awaited for 26.07.2022.

Judgment and decree of divorce be placed on the record before the next date of hearing.”

Counsel for the petitioners submits that the petitioner No.1 has paid the balance amount of permanent alimony and marriage has been dissolved vide judgment and decree, Annexure P-3 (colly).

Upon instructions received from L/ASI, Renu, State counsel submits that the trial is underway.

Counsel representing complainant-respondent No.2 has affirmed the statement made by the counsel for the petitioners.

Heard counsel for the parties.

Report has been received in compliance of above reproduced order and its relevant extract is as under:-

- “1) That only two persons namely Suresh son of Raj Kumar and Sita wife of Raj Kumar have been arraigned in the FIR, though complaint was moved against Suresh, Sita, Balkesh (Nanad), Kavita (Nanad), Abhimanyu, Kanwar Singh, Ramphool and Pataso. Two accused arraigned in FIR have made their statement and no person is absconding/proclaimed offender in the case.*
- 2) The name of complainant/aggrieved is Savita wife of Suresh Kumar and she is only aggrieved person, who has appeared and made her statement in support of compromise.*
- 3) The present case is pending at the stage of evidence of prosecution.*

- 4) *The compromise is genuine, voluntary and out of free will of the parties.*
- 5) *No any other criminal case is pending against the accused, as disclosed by I.O. and accused.”*

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Considering the above development, report of the Trial Court and the judgments of Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***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 the criminal proceedings would increase the agony of the parties, moreover, the dispute being purely personal in nature, does not have any impact on the society.

Accordingly, the petition is allowed. FIR No.0287 dated 06.06.2017, registered for offences under Sections 34, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Meham, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

16.09.2022
Kamal

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