

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-3940-2020 (O&M)
Date of Decision:- 14.09.2022

Manjeet @ Monty and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raman Kumar, Advocate for the petitioners.

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

Ms. Rekha @ Rashmi-respondent No.2 in person.

SUVIR SEHGAL, J. (Oral)

CRM-3499-2020

Application is allowed as prayed for.

Petitioner is exempted from filing the certified copy of
Memorandum of Understanding dated 16.02.2019, Annexure P-3.

Main case

On 24.05.2022, this Court passed the following order:-

“Complainant-respondent No.2 has appeared in person and has filed a self attested Xerox copy of her Aadhar Card, which is taken on record.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0012 dated 04.01.2017, registered for offences under Sections 498-A, 406, 323 and 34 of the Indian Penal Code, 1860, at Police Station Sampla, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of Memorandum of Understanding (MOU), Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the brother-in-law and petitioner No.3 is the mother-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 15.05.2016 at Rohtak and there is no issue out of the wedlock, but due to temperamental incompatibility, the parties could not pull along and all attempts at reconciliation failed. He submits that FIR, Annexure P-1, is an outcome of the marital discord, which has been settled by MOU, Annexure P-3, and marriage has been dissolved by mutual consent vide decree dated 13.09.2019, Annexure P-4. Counsel submits that in terms of the MOU, Rs.3.25 Lakhs is the total final settlement to be paid, out of which Rs.2 Lakhs has been paid and the balance Rs.1.25 Lakhs will be paid at the time of recording of the statement in support of the compromise.

Upon instructions received from ASI, Sombir, State counsel submits that four persons were named as accused, but after completion of investigation, final report under Section 173 of the Code of Criminal Procedure, 1973 has been presented against all the three petitioners, who are on bail. Upon further instructions, she submits that charge has been framed, but no prosecution witness has been examined.

Complainant-respondent No.2, who is present in person, has admitted the factum of compromise and does not dispute the statement of counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 30.05.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area 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 Area Magistrate/Trial Court be awaited for 14.09.2022.
Interim order to continue.”*

Counsel for the petitioners submits that the statements of the parties have been recorded in compliance of above reproduced order and the petitioner No.1 has paid the balance amount of Rs.1.25 lacs. This fact has been affirmed by complainant-respondent No.2, who is present in person. She has filed a self attested Xerox copy of her Aadhar Card, which is taken on record.

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. Four persons were arraigned in the FIR but during investigation named accused Joginder was declared innocent. Final police report was filed against three accused namely Manjeet @ Monty, Sumitra and Deepak. Their joint statement has been recorded with regard to compromise. None of them is absconding or has been declared PO in the case or in any other case.*
- 2. There is only one injured/aggrieved and she herself is the complainant. Her name is Rekha @ Rashmi. She has made statement before Court in support of the compromise.*
- 3. The case was fixed for prosecution evidence and two witnesses have been recorded so far.*
- 4. The compromise is genuine, voluntary and out of free will of the parties.*
- 5. No other criminal case is pending against any of the accused.”*

It is evident that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled and marriage has been dissolved by decree, Annexure P-4.

Keeping in view the above development, report of the Trial Court and the judgment of Supreme Court in *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, the petition is allowed. FIR No.0012 dated 04.01.2017, registered for offences under Sections 498-A, 406, 323 and 34 of the Indian Penal Code, 1860, at Police Station Sampla, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

14.09.2022
Kamal

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