

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

264

CRM-M-5115-2022

Date of decision:11.07.2022

Pawan Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ankit Gupta, Advocate for
Mr. Vikram Bishnoi, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 08.02.2022, this Court passed the following order:-

“Heard through video conferencing.

*Prayer in this petition is for quashing of
FIR No.112 dated 28.08.2018 under Sections 498-
A/323/406/506/34 of IPC, 1860, registered at Police
Station Women Narnaul, District Mahendergarh,
Annexure P-1, along with all consequential
proceedings arising therefrom, on the basis of
affidavit dated 26.01.2022, Annexure P-2.*

*Counsel for the petitioner submits that the
marriage of the petitioner was solemnized with the
complainant/respondent No.2 on 24.01.2011 and
there is no issue out of the wedlock. He submits that
due to some trivial issues, FIR, Annexure P-1, was
lodged by the complainant/respondent No.2, but the
misunderstanding between the parties has been
removed and both the parties are residing together
under one roof in U.S.A. as is apparent from
affidavit, Annexure P-2, executed by the
complainant/respondent No.2.*

Notice of motion.

*On asking of the Court, Ms. Mahima
Yashpal, DAG, Haryana, who is present through*

video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by her from L/ASI Kusum Lata, challan has been presented, charge has been framed and some prosecution witnesses have been examined. Mr. Vikram Bishnoi, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 19.04.2022 or any date 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 Illaqa Magistrate/trial Court be awaited for 11.07.2022.

Since both the parties are residents of United States of America, the Trial Court shall record their statements through the medium of video conferencing. The parties will be identified before the Trial Court by their respective counsel. Necessary arrangements will be made for video conferencing by the Court concerned.”

Report has been received from the trial court in deference to the above-said reproduced order and its relevant extract is as under:-

“In pursuance of said order dated 08.02.2022 of Hon'ble High Court passed in CRM-M-5115-2022 titled as Pawan Kumar Vs. State of Haryana and another, I have the honour to submit that notices were issued to the Investigating Officer as well as parties through their counsels to appear before the Court (being Illaqua Magistrate) for

recording their statements with regard to compromise/settlement. Upon notice, on 19.04.2022 Investigating Officer SI Sharda Devi No.421 appeared and vide a separate recorded statement submitted that in the present case there is only one accused namely Pawan son of Umed and as per his investigation and record, there is no other criminal case pending against accused Pawan.

It is further pertinent to mention that on 19.04.2022 the complainant Jyoti, alongwith above named accused Pawan Kumar, both duly identified by Sh.K.S. Yadav, and Sh. Anil Sharma, Advocates (both complainant and accused residents of United States of America appeared before the Court through video conferencing) made joint statement before the Court regarding compromise, in pursuance of above noted order of Hon'ble High Court. Accordingly, the statement of complainant Jyoti alongwith accused Pawan Kumar, who were duly identified by their counsels, was recorded wherein it was submitted by the complainant as well as by the accused that they have compromised the matter and residing together since December 2019 in USA. They also stated that there was no threat, pressure or coercion on them at the time of reaching the said compromise. In the given circumstances, the compromise reached between the complainant Jyoti and the accused Pawan Kumar appears to be genuine, voluntary and without any coercion or undue influence. The statements of complainant Jyoti, accused Pawan Kumar, Investigating Officer in original are attached herewith.

It is also pertinent to mention here that the present case is at the stage of prosecution evidence and there is only one accused in the present case and no one is absconding/proclaimed person in present case.”

Status report by way of an affidavit of Additional Superintendent of Police, Mahendergarh, District Mahendergarh has been filed on behalf of respondent No.1-State, which is taken on record. State counsel submits that *challan* has been presented against the accused-petitioner, charge has been framed against him under Sections 498-A, 323, 406 and 506 of IPC and prosecution evidence is underway.

After hearing counsel for the parties, this Court is of the view that FIR has emanated from a matrimonial dispute between the parties, which has been amicably settled and the couple is living together. In view of the above development, report of the trial court and judgments of the Supreme Court in *Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582* 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 FIR, Annexure P-1.

Accordingly, petition is allowed. FIR No.112 dated 28.08.2018 under Sections 498-A/323/406/506/34 of IPC, 1860, registered at Police Station Women Narnaul, District Mahendergarh, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

11.07.2022
sheetal

(SUVIR SEHGAL)
JUDGE

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