

CRM-M-6148 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-6148 of 2021
Date of decision:24.08.2022

Ashish Dubey

... Petitioner

Vs.

State of Haryana and another

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mayank Goyal, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Mukul Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.785 dated 25.12.2020 registered under Sections 323, 506, 498-A, 34 of Indian Penal Code, 1860 at Police Station City Sirsa, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom, on basis of compromise dated 19.01.2021 (Annexure P-2).

Counsel for the petitioner contends that FIR (Annexure P-1) is an outcome of a petty matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2) and the parties are residing together. He submits that their statements have been recorded pursuant to order passed by this Court.

Upon instructions from ASI Subhash, State counsel submits

that the matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and submits that both the parties are living together at the matrimonial home.

Heard counsel for the parties.

Vide order dated 10.02.2021, this Court directed the parties to appear before the Area Magistrate/Duty Magistrate for recording of their statements in terms of the compromise and a report was called for regarding the genuineness of the compromise as also as to whether any person has been nominated as an accused and whether any of the parties have been declared as P.O. Report was also sought as to whether challan has been filed or whether there is a cross-case. Report has been received and its relevant extract is as under:-

“From the statements as well as oral examination of parties by this Court, this Court is of the opinion that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat. It further reveals that the compromise is voluntary and effected with free will. Investigation Officer Vijender Singh PP Kirtnagar has appeared in the Court of undersigned and recorded his statement stating that none of the accused is proclaimed offender in this case. Challan has not been filed in this case as the investigation is still pending. No cross-case is pending between the parties.”

FIR has emanated from the matrimonial dispute which has been amicably settled and the couple is residing together under one roof.

In view of this development, report of the Trial Court and judgments of the Supreme Court **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** 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 of the criminal proceedings would increase the agony of the parties, rather setting them aside would enable them to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.785 dated 25.12.2020 registered under Sections 323, 506, 498-A, 34 of Indian Penal Code, 1860 at Police Station City Sirsa, District Sirsa (Annexure P-1) along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

August 24, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes