

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

270+132

CRM-M-4629-2020 (O & M)
Date of decision:01.12.2022

Kapil Kumar and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Shalini Sharma, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Abhishek Sharma, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-39632-2022

Application is allowed as prayed for.

Joint statement of the parties recorded during both the motions, judgment and decree dated 08.02.2021, are taken on record as Annexures P-8 to P-10, respectively.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.333 dated 26.07.2016 under Sections 498-A, 406, 506 and 34 of IPC, 1860, registered at Police Station Bhupani, District Faridabad, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise/settlement dated 25.03.2019, Annexure P-4, arrived at between the parties.

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 petitioner

No.1 was solemnized with complainant/respondent No.2 on 27.04.2016 at Faridabad and a male child was born out of the wedlock. He submits that within less than 01 year of marriage, the parties separated. It is his submission that FIR, Annexure P-1, which is a result of marital discord, has been amicably settled vide settlement deed arrived at before the Mediation and Conciliation Centre, Faridabad. Counsel submits that in terms of the settlement, entire permanent alimony of Rs.14 lacs has been paid and marital ties have ended in a divorce by mutual consent vide judgment, Annexure P-10.

Upon instructions from ASI Dinesh, State counsel submits that trial is underway, but no prosecution witness has been examined.

Counsel for complainant/respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 03.02.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for. Although, the initial report submitted by the Trial Court was not in terms of the direction passed, a fresh report was called for, which has been received and its relevant extract is as under:-

“(i) The complainant- Yazika Chauhan lodged complaint against the six persons namely Kapil Kumar (husband), Smt. Satlesh Devi (mother-in-law), Ghanenendra @ Dharmender Pal Singh (father-in-law), Sumit (brother-in-law), Parikshit (brother-in-law), Manoj (friend of husband). However, police filed the challan against accused Kapil and Smt. Satlesh Devi only. Statement of both the accused persons namely Kapil and Smt. Satlesh

Devi were recorded on dated 02.05.2022. No accused is absconding/P.O. in this case. As per statement made by SHO Surrender Singh, no P.O. proceedings are pending against any of the accused in any other case also.

(ii) Complainant- Yazika Chauhan is the only aggrieved person in this case. Her statement in support of compromise was recorded on 02.05.2022.

(iii) The case was proceeded for prosecution evidence before the parties approached Hon'ble High Court for quashing of FIR.

(iv) As per statement made by both the parties, compromise appears to be genuine, voluntarily and out of their free will.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and the parties have parted ways. Keeping in view the above development, report of the trial court and judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888***, and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose.

Accordingly, petition is allowed. FIR No.333 dated 26.07.2016 under Sections 498-A, 406, 506 and 34 of IPC, 1860, registered at Police Station Bhupani, District Faridabad, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

01.12.2022

sheetal

**(SUVIR SEHGAL)
JUDGE**

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