

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(298)

CRM-M-6017-2022-
Date of Decision:- 08.12.2022

Anuj

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shivansh Malik, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana for State-respondent No.1.

Mr. Kunal Yograj Verma, Advocate for
Mr. Madhur Panwar, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.11 dated 05.02.2019, registered for offences under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860, at Women Police Station Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated , Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that petitioner's marriage was solemnized with complainant-respondent No.2 on 23.08.2014 in District Rohtak and there is no issue out of the wedlock. He submits that due to temperamental differences between the parties, they could not live together and parted ways in July, 2018. He submits that FIR, Annexure P-1, which

has arisen out of a marital discord, has been amicably settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-5, and the entire permanent alimony of Rs.3.25 lacs has been paid.

Upon instructions received from L/ASI, Kanta, State counsel submits that prosecution evidence is underway.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 11.02.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

- “1. Five persons namely Anuj, Veena, Rakesh, Raj Kumar and Anmol were arraigned as accused in the present FIR. Final report under Section 173 Cr.P.C. was filed against accused Anuj only and remaining accused namely Veena, Rakesh, Raj Kumar and Anmol were found to be innocent. Only accused Anuj has appeared before the Court and has made statement and none of the accused is absconding/proclaimed offender in the present FIR.*
- 2. The name of the complainant and injured/aggrieved is Sonali and she has appeared and made her statement in support of the compromise so effected between them.*
- 3. The present case is at the stage of prosecution evidence.*
- 4. The compromise is genuine, voluntarily and out of free will of the parties.*
- 5. No other criminal case is pending against the accused as per statement of Investigating Officer.”*

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

Keeping in view the above developments, report of the Trial Court and the judgments of 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 is of the view that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.11 dated 05.02.2019, registered for offences under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860, at Women Police Station Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

08.12.2022
Kamal

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