

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CRM-M-6131-2022 (O&M)

Date of Decision: 07.07.2022

Gaurav Sharma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Mr. Ritesh Tomar, Advocate
for respondent No.2.

...
SUVIR SEHGAL, J. (Oral)

CRM-21185-2022

Prayer in the application is for preponement of the hearing of
main case.

Noticing the prayer made in the application, it is allowed.
Hearing of the main case is advanced from 29.09.2022 to today and it is
ordered to be taken on Board.

CRM-21186-2022

Prayer made in the application is for placing on record Annexures
P-5 and P-6.

For the reasons given in the application, it is allowed.

Copy of judgment and decree dated 21.05.2022 as well as copy of joint statements of the parties recorded during first and second motion are taken on record as Annexures P-5 and P-6, respectively.

CRM-M-6131-2022

The instant petition has been filed under Section 482, Cr.P.C., seeking quashing of FIR No.154 dated 22.12.2018, registered for offences under Sections 120-B, 323, 377, 406, 420, 498-A and 506, IPC, however, Section 377, IPC was deleted later on, at Women West Police Station Gurugram, District Gurugram (Annexure P-1) alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 27.01.2022 (Annexure P-2) arrived at between the parties and affidavit of respondent No.2 dated 27.01.2022 (Annexure P-3).

Counsel for the petitioner submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that petitioner No.1 had solemnized marriage with complainant-respondent No.2 on 08.12.2016 at Gurugram and there is no child out of the wedlock. He submits that FIR (Annexure P-1) lodged by complainant-respondent No.2, is outcome of a matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2) and is duly supported with affidavit (Annexure P-3) executed by the complainant-respondent No.2. He submits that in pursuance to the order passed by this Court, parties have appeared before the Trial Court, their statements have been recorded and marriage has been dissolved by mutual consent vide judgment and decree (Annexure P-5).

Upon instructions from L/ASI, Parveen, State counsel submits that four persons were named as accused, final report has been presented against the three petitioners, but charge has not been framed. Counsel representing respondent No.2 has admitted the factum of compromise and does not dispute the statement made by complainant-respondent No.2.

Heard counsel for the parties.

Vide order dated 15.02.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded in support of compromise and a report was called for from the Court on the following points:-

- “i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.”*

After recording statements of the petitioners and complainant-respondent No.2, Additional Chief Judicial Magistrate, Gurugram has submitted report, relevant extract of which is as under:-

“(i) As per the statement of Investigating Officer,

Gunjan Sharma is the only complainant/victim and three persons namely Gaurav Sharma, Ram Kishan Sharma and Rachna Sharma have been arrayed as accused persons in the present FIR and all of them have appeared for recording their statement qua compromise;

ii) As per the statement of Investigating Officer, none of the accused has been declared proclaimed offender in this case;

iii) As per the record, in present case challan has already been filed and now the present case is fixed for 01.04.2022 for consideration on application seeking discharge of accused No.2 and 3;

iv) the compromise so arrived at between the parties is genuine, voluntarily and out of free will;”

It is evident that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been settled and marriage has been dissolved by mutual consent. In view of above background as well as 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 ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the opinion that continuation of the criminal proceedings would be an exercise in futility rather setting them aside will enable them to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.154 dated 22.12.2018, registered for offences under Sections 120-B, 323, 377, 406, 420, 498-A and 506, IPC, however, Section 377, IPC was deleted later on, at Women West Police Station Gurugram, District Gurugram (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

07.07.2022

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes