

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(277)

CRM-M-5208-2020
Date of Decision:- 21.07.2022

Nitin and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Priyavrat Parashar, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. Sunil Dhanda, Advocate for

Mr. Neeraj Goel, 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.780 dated 17.10.2015, registered for offences under Sections 323, 354, 406, 498-A, 506 and 34 of the Indian Penal Code, 1860, at Police Station Sadar Bahadurgarh, Jhajjar, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 15.01.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law and petitioner No.3 is the brother-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 03.12.2014 at Bahadurgarh and there is no issue out of the wedlock. He

submits that due to a marital discord, the relationship between the parties were strained and they have been living separately since 13.07.2015. Counsel states that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled by way of compromise, Annexure P-2. Still further, he submits that in terms of the compromise, entire permanent alimony of Rs.3 lacs has been paid and marriage has been dissolved vide judgment and decree dated 14.11.2019, Annexure P-4.

Upon instructions received from ASI, Mandeep Kumar, State counsel submits that upon conclusion of investigation, challan was presented against three accused, namely, Nitin (petitioner No.1), Sudershana (petitioner No.2) and Jagbir Singh, father-in-law of complainant-respondent No.2. She submits that the trial is now at the stage of recording of evidence of prosecution witnesses.

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

Counsel for the petitioners submits that Jagbir Singh has expired and since petitioner No.3 has been given a clean chit, he may be permitted to withdraw the petition qua petitioner No.3.

Permission is granted.

Dismissed as withdrawn *qua petitioner No.3*.

Heard counsel for the parties.

Vide order dated 07.02.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate and a report was called for,

which has been received and its relevant extract is as under:-

- “i) *How many total accused are facing the trial:-*
There were tota (sic total) three accused namely Nitin S/o Sh. Jagbir Singh, Smt. Sudarshana W/o Jagbir Singh and Sh. Jagbir S/o Sh. Laxmi Narayan. However, Sh. Jagbir Singh expired on 02.10.2019 and proceedings were dropped on 18.02.2020. So, only Nitin and Smt. Sudharshana are facing trial in this case.
- ii) *Whether any of the accused was declared proclaimed offender at any stage of trial?*
It is submitted that none of the accused persons has been declared as a proclaimed offender till date.
- iii) *Status/stage of the trial/case.*
In this regard, it is submitted that the case was pending for consideration on the application under Section 319 Cr.P.C.
- iv) *To record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
As per the respective statements, parties have arrived at compromise out of their sweet will and the same seems to be genuine and valid.”

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

In view of the above facts as well as the report of the Trial Court and the judgments of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, continuation of the criminal proceedings would not serve any purpose rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.780 dated 17.10.2015, registered for offences under Sections 323, 354, 406, 498-A,

506 and 34 of the Indian Penal Code, 1860, at Police Station Sadar Bahadurgarh, Jhajjar, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners No.1 and 2.

(SUVIR SEHGAL)
JUDGE

21.07.2022
Kamal

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