

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123+270

CRM-M-6604 of 2022 (O&M)

Date of decision:08.09.2022

Anurag Madaan and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Kang, Advocate for
Mr. Paras Jhamb, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Ishan Khetarpal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.33553 of 2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 02.05.2022 are taken on
record as Annexures R-2/1 and R-2/2, respectively.

CRM-M-6604 of 2022

On 17.02.2022, this Court passed the following order:-

“Heard through video conferencing.

*Prayer in this petition filed under Section 482 of Code of
Criminal Procedure, 1973, is for quashing of FIR No.341*

dated 14.09.2016 under Sections 406/498-A of IPC, 1860, registered at Police Station Civil Line, District Kaithal, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 29.11.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 to 4 are his relatives. He submits that the marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 15.09.2015, however, due to adjustment issues between the two, FIR, Annexure P-1, was lodged by the complainant/respondent No.2 and the dispute has been settled by virtue of compromise, Annexure P-3. Still further, he submits that a petition seeking divorce by mutual consent has been instituted under Section 13-B of the Hindu Marriage Act, 1955, first motion has been recorded, part payment of Rs.2.5 lacs has been made and the balance amount of Rs.2.5 lacs towards permanent alimony is to be paid at the time of recording of second motion on 02.05.2022.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by her from PSI Jagdish, final report has been presented against all the 04 petitioners, charge has been

framed and the proceedings before the trial court are at the stage of defence evidence. Mr. Ishan Khetarpal, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Vakalatnama, which is taken on record. He admits the factum of compromise as well as statements made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 08.03.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. In the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/Trial Court be awaited for

23.05.2022.

In the meanwhile, trial court shall adjourn the proceedings beyond the date fixed by this Court.”

Counsel for the petitioners submits that balance amount of permanent alimony has been paid and marriage has been dissolved by judgment and decree, Annexures R-2/1 and R-2/2.

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

POINT NO.1

“Regarding Point No.(1), it is submitted that five accused persons were arrayed in the FIR. The accused persons named in the FIR are:1) Anurag Madan son of Om Parkash, 2) Krishna Madan wife of Om Parkash, 3) Sanjeev Madan son of Om Parkash, 4) Neelam Madan wife of Sanjeev Kumar and 5) Jyoti daughter of Om Parkash. During investigation Jyoti Madan daughter of Om Parkash was not found involved by the Investigating Agency and accordingly, challan was presented against four accused only. Thus, as of now there are total four accused persons namely Anurag Madan son of Om Parkash, Krishna Madan wife of Om Parkash, Sanjeev Madan son of Om Parkash and Neelam Madan wife of Sanjeev Kumar are facing trial in the present FIR. It is further submitted that all the four accused have appeared before the Court and have made their statements qua the compromise. Their statements

have been recorded jointly. It is further submitted that as per report of Investigating Officer no accused has been declared absconding/P.O., in this case.

POINT NO.2:

2. Regarding Point No.2, it is submitted that Anjali wife of Anurag is the complainant and injured/aggrieved person as per the statement of Investigating Officer as well as per the statement of complainant Anjali wife of Anurag herself in this context. Complainant Anjali has appeared and her statement qua compromise has been recorded.

POINT NO.3:

3. Regarding Point No.3, it is submitted that the present case is at the stage of defence evidence, if any, otherwise for arguments.

POINT NO.4:

4. Regarding Point No.4, it is submitted that the complainant Anjali wife of Anurag vide her separately recorded statement and accused namely Anurag Madan son of Om Parkash, Krishna Madan wife of Om Parkash, Sanjeev Madan son of Om Parkash and Neelam Madan wife of Sanjeev Kumar vide their joint statements have stated that the compromise has been effected between the parties with their free will and without any coercion or pressure from any corner. The complainant Anjali has also stated that she has

compromised the matter with the accused persons and the said compromise Mark-A was effected with her free will and without any coercion or pressure from any corner. Accused persons have also stated that compromise is correct and genuine. Copy of compromise has been placed on record as Mark-A. In view of the said statements of the parties, the compromise appears to be effected voluntarily and out of free will. Accordingly, in view of the said statements, it is submitted that the compromise effected between the parties, appears to be genuine.

POINT NO.5:

5. *Regarding Point No.(5), it is submitted that Investigating Officer/PSI Jagdish Kumar has specifically stated that no other criminal case is pending against accused persons namely Anurag Madan son of Om Parkash, Krishna Madan wife of Om Parkash, Sanjeev Madan son of Om Parkash and Neelam Madan wife of Sanjeev Kumar. The Investigating Officer also submitted his report as Mark-B.”*

Status report by way of an affidavit of Deputy Superintendent of Police, (AEC), Kaithal has been filed on behalf of respondent No.1-State, which is taken on record.

By referring to the status report, State counsel submits that trial is fixed for defence evidence and arguments.

Counsel representing the complainant-respondent No.2 submits that entire permanent alimony of Rs.5.00 lacs has been received and the complainant does not have any objection in case the prayer made in the petition is acceded to.

Heard counsel for the parties.

It is evident from the material on the record that FIR (Annexure P-1) is an outcome of a matrimonial dispute, which has been amicably settled, marriage has been dissolved and the entire amount of permanent alimony has been paid to the complainant-respondent No.2.

In view of the above developments, report of the Trial Court and judgments of Supreme Court in **Gold Quest International Private Limited Vs. State of Tamil Nadu and others (2014) 15 SCC 235** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.341 dated 14.09.2016, registered for offences under Sections 498-A, 406 of the Indian Penal Code, 1860, at Police Station Civil Lines, District Kaithal (Annexure P-1) alongwith all consequential proceedings arising therefrom, are quashed qua the petitioners.

September 08, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes