

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

235+126

CRM-M-7642-2021 (O & M)

Date of decision:21.12.2022

Raj Kumar and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ajay Kamboj, Advocate for
Mr. G.S. Sidhu, Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Mr. Deepak Kohli, Advocate for
Mr. Preet Amar, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-49109-2022

Application is allowed as prayed for.

Judgment and decree dated 22.03.2021 dissolving the marriage
by mutual consent is taken on record as Annexure A-1.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.225 dated 23.03.2017 under Sections 323, 498-A,
506 and 34 of IPC, 1860, registered at Police Station Sirsa City, District
Sirsa, Annexure P-1, alongwith all subsequent proceedings arising
therefrom, on the basis of compromise deed/agreement dated
16.01.2021, Annexure P-2.

Counsel for the petitioners 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 marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 24.06.2011 at Sirsa and a son was born out of the wedlock. He submits that due to temperamental differences, they started living separately since August, 2016. By referring to compromise deed, Annexure P-2, counsel submits that the matrimonial dispute has been settled, marriage has been dissolved by judgment and decree, Annexure A-1. Counsel submits that the entire amount of permanent alimony has been paid and the litigation pending *inter se* parties has been withdrawn. Still further, by referring to judgment, Annexure A-1, he submits that the custody of the minor child is to remain with complainant/respondent No.2 and it has been agreed that the petitioners will not claim his custody.

Upon instructions from ASI Krishan Kumar, State counsel submits that prosecution evidence is underway.

Counsel for 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 18.02.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

“(1) I have also questioned both the parties to satisfy myself about the validity of compromise and I am satisfied that the parties have entered into the compromise without any fear, force and coercion and in my considered opinion compromise between the parties is genuine.

(2) It is submitted that all the accused persons namely Raj Kumar, Ashok Kumar and Maya @ Rekha are on bail in the present case.

(3) It is also submitted that one petition

under Domestic Violence, Act filed by the complainant Ritu is pending before the court of Ld. ACJM, Sirsa for 06.05.2021. Another case for divorce is also pending before the Court of Sh. J.S. Kundu, Learned Principal Judge, Family Court, Sirsa and one another petition under Section 9 of HMA filed by the accused Raj Kumar is also pending before District Courts, Fatehabad. It is submitted that except the aforesaid case no other case is pending between the parties.”

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 ***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 not serve any purpose.

Accordingly, petition is allowed. FIR No.225 dated 23.03.2017 under Sections 323, 498-A, 506 and 34 of IPC, 1860, registered at Police Station Sirsa City, District Sirsa, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

21.12.2022
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(SUVIR SEHGAL)
JUDGE

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