

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(264)

CRM-M-7241-2022
Date of Decision:- 05.05.2022

Ashish Sharma

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lakshit Muthreja, Advocate for the petitioner.

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

Mr. Vipul Sherwal, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 21.02.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.435 dated 03.07.2021 registered under Sections 323, 506 of Indian Penal Code, 1860, however, Section 498-A IPC, was added later on, at Police Station Surajkund, District Faridabad (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 09.02.2022 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits marriage of the petitioner was solemnized with the complainant-respondent No.2 on 07.02.2010 and there are two daughters out of the wedlock. He submits that FIR (Annexure P-1) was registered by the complainant-respondent No.2 due to some misunderstanding between the parties, which has been resolved by virtue of compromise (Annexure P-2) and the couple is residing together under one roof. By referring to para 9 of the petition, counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms.Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1- State. As per instructions received by her from ASI Dharampal, final report under Section 173 Cr.P.C has been presented but the charge has not been framed and the petitioner, who is the sole accused, is on bail.

Mr. Vipul Sherwal, Advocate appears on behalf of the complainant-respondent No.2 and has filed his 'Vakalatnama', which is taken on record. He has admitted the factum of compromise as well as statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 05.04.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit a report 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 Trial Court/Illaq Magistrate be awaited for 05.05.2022.”

Report has been received pursuant to the above reproduced order,
which is as under:-

“1. In this FIR, only one accused, namely, Ashish Sharma, is arrayed as accused and he is facing trial in this case and suffered statement. Further, none of accused is absconding/P.O. in the case.

2. In this case complainant is Ms. Kamaljeet Kaur and she has suffered her statement in support of the compromise. She is only aggrieved person in this case.

3. The trial is fixed for consideration upon charge.

4. Compromise is genuine, voluntary and out of free will of the parties.

5. Accused is also arrayed as accused in case FIR No.548/2021, under Sections 323, 506, 452, 34 IPC, Police Station Surajkund.”

FIR, Annexure P-1, has emanated from a petty matrimonial issue, which has been settled, and the parties are living together.

In view of the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court is of the opinion that prolonging the criminal proceedings will not serve any purpose and this Court has no hesitation in setting aside the same.

Accordingly, the petition is allowed. FIR No.435 dated 03.07.2021, registered for offences under Sections 323 and 506 of the Indian Penal Code, 1860 (Section 498-A, IPC was added later on), at Police Station Surajkund, District Faridabad, Haryana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

05.05.2022

Kamal

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