

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(262)

CRM-M-7439-2022
Date of Decision:- 25.04.2022

Joga Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ravinder Bangar, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana
for the State-respondent No.1.

Mr. Gurmail Singh, Advocate
for Ms. Ramandeep Kaur Bhattal, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 22.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.90 dated 28.08.2020, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Krishna Gate, Thanesar, District Kurukshetra, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise-cum-settlement deed dated 06.11.2020, Annexure P-2.

Counsel for the petitioners submits that petitioner No.2 is the mother-in-law, petitioner No.3 is the brother-in-law and petitioner No.1 is the husband of complainant-respondent No.2. He submits that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 12.02.2017, but due to temperamental differences between the parties, they could not pull along and started residing separately from November, 2017. He submits that the dispute between the parties has been settled by virtue of compromise-cum-settlement deed, Annexure P-2, and in terms, thereof, the marriage has been dissolved and a decree of divorce by

mutual consent has been passed on 09.07.2021, Annexure P-3. Still further, he submits that the payment of Rs.2.25 lacs has been made to the complainant-respondent No.2 in terms of the settlement. He has instructions to state that there is no issue out of the wedlock.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice of behalf of respondent No.1-State. She has instructions from SI, Harbans Lal to submit that final report has been submitted against all the three accused-petitioners, who are on bail, though the charge has not been framed so far. Ms. Ramandeep Kaur, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. She has admitted the factum of compromise as well as the statement made by the counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 21.03.2022 or on any date within a fortnight 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 the Illaqa Magistrate/trial Court be awaited for 25.04.2022.”

In compliance thereof, the Trial Court has recorded the statements and has submitted a report, relevant extract of which is reproduced as under:-

“After going through the statements of the parties, I am of the view that parties have actually entered into a compromise by their free-will and the said compromise is genuine.

Statement of the ASI, Krishan Kumar, No.809/KKR, Reader Branch, S.P. Office, Kurukshetra has been recorded separately stating that in the FIR No.90 dated

28.08.2020 under Sections 323, 406, 498-A and 506 of IPC, Police Station Krishna Gate, Thanesar, three persons namely Joga Singh, Manpreet Singh and Sukhwinder Kaur have been arraigned as accused and all the accused persons have made their statements regarding compromise before the Court. No person has been declared proclaimed offender. The name of the complainant is Anit Kaur. Except the present FIR, no other FIR is pending against the above named accused persons.”

FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled, and marriage between the parties has been dissolved by mutual consent. The proceedings before the Trial Court on at a very initial stage as submitted by the State counsel.

Keeping in view the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that keeping the criminal proceedings alive would be an exercise in futility and setting them aside will enable the parties to lead their separate and independent lives.

Accordingly, the petition is allowed. FIR No.90 dated 28.08.2020, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Krishna Gate, Thanesar, District Kurukshetra, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

25.04.2022

Kamal

(SUVIR SEHGAL)

JUDGE

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