

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

289+132

CRM-M-8588-2022 (O & M)

Date of decision:06.12.2022

Sumit Verma and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rishabh Singhla, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Arun Gupta, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-47087-2022

Application is allowed.

Compromise dated 02.09.2021 as well as judgment and decree dated 26.07.2022 dissolving the marriage, are taken on record as Annexures P-3 and P-4, respectively.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.925 dated 12.10.2018 under Sections 498-A, 323, 506, 406 and 34 of IPC, 1860, registered at Police Station Ballabhgarh City, District Faridabad, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 24.09.2021, Annexure P-2.

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 sister-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on

02.05.2014 and a son was born out of the wedlock. He submits that due to temperamental differences, the parties have been living separately since June, 2018. By referring to compromise, Annexure P-3, counsel submits that the matrimonial dispute has been settled, marriage has been dissolved by judgment and decree, Annexure P-4, and the entire permanent alimony has been paid.

Upon instructions from ASI Kamal Singh, State counsel submits that trial is underway.

Counsel for complainant/respondent No.2 has admitted the factum of compromise as well as the receipt of entire permanent alimony. Still further, counsel for complainant/respondent No.2 submits that the custody of the minor child is to remain with the complainant, though visitation rights have been given to petitioner No.1.

Heard counsel for the parties.

Vide order dated 19.07.2022, 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.	Whether the number of accused arraigned (arraigned) in the FIR and how many have appeared before it an have made statement and whether any accused is absconding/P.O. in the case?	There are three accused namely Sumit Verma, Sunita Verma and Arpita Verma in the FIR and all accused are appeared and made their statements and as per the statement of IO, no accused is proclaimed absconder in the present case.
2.	Whether the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?	Yes.

3.	Whether the stage of trial/proceedings?	Prosecution evidence.
4.	Whether the compromise is genuine, voluntarily and out of free will of the parties?	Parties were examined qua the genuineness and voluntarilyness of the compromise to which they replied in affirmative. The compromise between the parties is prima facie genuine.
5.	Whether any other criminal case is pending against the accused?	As per the statement of IO, No other FIR registered accused Sumit Verma, Sunita Verma and Arpita Verma.

It is evident from the above that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent. Keeping in view of the above facts and circumstances, report of the trial court and the judgments of the Supreme Court in *Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582*; and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.925 dated 12.10.2018 under Sections 498-A, 323, 506, 406 and 34 of IPC, 1860, registered at Police Station Ballabhgarh City, District Faridabad, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

06.12.2022
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(SUVIR SEHGAL)
JUDGE

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