

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119+256)

CRM-M-5818-2020 (O&M)
Date of Decision:- 03.08.2022

Ankit Aggarwal

...Petitioner

VERSUS

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harinder Singh Sandhu, Advocate for the petitioner.

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

Mr. Munish Mittal, Advocate
for applicant-complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-26195-2022

Application filed by applicant-respondent No.2 is allowed as
prayed for.

Judgment and decree dated 20.08.2020 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure R-1.

Main case

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 for quashing of FIR No.21 dated 24.02.2019,
registered for offences under Sections 323, 354, 406, 498-A and 506 of the
Indian Penal Code, 1860, at Women Police Station, Karnal, Annexure P-1,
along with all subsequent proceedings arising therefrom, on the basis of
compromise/settlement deed dated 18.12.2019, Annexure P-2, arrived at
between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2 on 28.04.2017 at Yamunanagar and a son was born out of the wedlock. He submits that due to temperamental differences, the parties could not pull along and have been residing separately since 02.01.2018. He submits that FIR, Annexure P-1, is a result of marital discord and has been settled by virtue of compromise, Annexure P-2. By referring to the judgment and decree, Annexure R-1, counsel submits that marriage has been dissolved by mutual consent, entire permanent alimony of Rs.10 lacs has been paid and it has been agreed that the custody of the child will remain with complainant-respondent No.2.

Upon instructions received from ASI, Pushpa, State counsel submits that five persons were named as accused, but upon conclusion of investigation, challan has been presented and charge has been framed against the petitioner, but no prosecution witness has been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and divorce. He further submits that the complainant has received the permanent alimony and does not have any objection in case the prayer made in the petition is acceded to.

Heard counsel for the parties.

Vide order dated 10.02.2020, this Court directed the parties to appear before the Trial Court to get their statements recorded and a report was called for regarding the genuineness of the compromise and also as to whether P.O. proceedings are pending against any of the parties. Report has been received and its relevant extract is as under:-

*“i) No accused has been stated to be absconding or has been declared proclaimed offender in the instant case.
ii) As per the statements made by the complainant and the accused before this Court, the under-signed is of the considered view that the instant compromise is genuine and the same has been executed voluntarily and out of free will by the parties.”*

Considering the fact that FIR, Annexure P-1, is a result of a matrimonial dispute, which has been settled as well as the report of the Trial Court and the judgments of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and ***Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court is of the view that continuation of criminal proceedings will not serve any purpose.

Accordingly, the petition is allowed. FIR No.21 dated 24.02.2019, registered for offences under Sections 323, 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Karnal, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

03.08.2022

Kamal

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