

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121+269

CRM-M-6149 of 2020 (O&M)
Date of decision:20.09.2022

Jaivir Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Puneet Kakkar, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Nishad Ahuja, Advocate for
Mr. Saksham Arora, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-34898 of 2022

Application is allowed as prayed for.

Judgment and decree dated 28.10.2020 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-M-6149 of 2020

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 for quashing of FIR No.1144 dated 06.12.2017,
registered for offences under Sections 498-A, 406, 506, 34 of Indian Penal
Code, 1860, at Police Station Saran, District Faridabad (Annexure P-1),
alongwith all consequential proceedings arising therefrom, on the basis of
compromise dated 23.10.2019 (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 the complainant-respondent No.2 on 30.01.2015 at Faridabad and there is no issue out of the wedlock. He submits that due to temperamental differences, parties could not pull along and have been staying separately since October, 2016. Counsel submits that FIR, Annexure P-1, is fallout of a matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2), marriage has been dissolved by judgment and decree (Annexure P-4) and entire permanent alimony of Rs.3.50 lacs has been paid.

Upon instructions received from SI Azad, State counsel submits that although five persons were named as accused, but on conclusion of investigation, final report has been presented against the three petitioners, who are facing trial and prosecution evidence is underway.

Counsel representing the 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 12.02.2020, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements with regard to the compromise and a report was called for on the following points:-

“i) The name of the complainant and all accused arrayed in

the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;

ii) Whether any of the accused has been declared a Proclaimed Offender;

iii) The stage of trial/proceedings;

iv) If the compromise so arrived at between the parties is genuine, voluntary and out of free will.”

Report has been received and its relevant extract is as under:-

“There is only one complainant or affected/aggrieved party i.e. Shalu and she is (sic has) appeared before the Court for recording her statement. There are three accused persons namely Jaivir Singh, Bimla and Balwan arrayed in FIR and they are (sic have) appeared before the Court for recording their statement and proceedings in this case are pending for evidence of prosecution.

No accused was declared proclaimed offender in this case.

In view of the statements of the interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them.”

It is evident that FIR, Annexure P-1, is an outcome of a

matrimonial dispute, which has been settled, marriage has been dissolved and the parties have settled all the claims *inter se*.

In view of the above development, report of the Trial Court and the judgments of Supreme Court in **Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that prolonging the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.1144 dated 06.12.2017, registered for offences under Sections 498-A, 406, 506, 34 of Indian Penal Code, 1860, at Police Station Saran, District Faridabad, (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioners.

September 20, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes