

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

218+117

CRM-M-8618-2022 (O & M)

Date of decision:21.10.2022

Gaurav Gautam and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arun Sharma, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Aseem Monga, Advocate for
Mr. Rampal Pradhan, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-40077-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 29.07.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-9.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.66 dated 18.06.2019 under Sections 323, 34, 354, 406, 498-A and 506 of IPC, 1860, registered at Police Station Women,

Manesar, District Gurugram, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise *deed* dated 03.02.2022, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are parents-in-law and petitioner No.4 is brother-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 23.11.2015 and there is no issue out of the wedlock. He submits that due to temperamental differences, parties could not live together and FIR, Annexure P-1, has been registered as a result of a marital discord between them. He submits that the matrimonial dispute has been settled by compromise, Annexure P-2, which is supported with an affidavit, Annexure P-3, of complainant/respondent No.2 and marriage has been dissolved by judgment and decree dated 29.07.2022, Annexure P-9, passed by mutual consent. While referring to the judgment, Annexure P-9, counsel submits that the entire permanent alimony of Rs.21 lac has been paid and all issues have been settled.

Upon instructions from SI Munesh, State counsel submits that final report has been submitted after conclusion of investigation, but charge has not been framed.

Counsel for 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 05.04.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for regarding the genuineness of the compromise, details of parties, status of trial etc.

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

“In view of the aforesaid report sought from the concerned SHO, initially FIR was registered against eight accused persons namely Gaurav, Rukmani Devi, Rakesh Kumar Gautam alias Chuchu, Rahul Gautam, Shivani Gautam, Deepika, Mohini and Saurabh Gautam, but during investigation, accused persons namely Shivani Gautam, Deepika Gautam, Mohini Gautam and Saurabh Gautam, however, final report was filed against only four accused persons namely Gaurav Gautam, Rukmani Devi, Rakesh Kumar Gautam and Rahul Gautam, who all are party to the compromise and they have not been declared proclaimed persons nor any other criminal case is registered against them.

It is stated that the compromise is arrived between the complainant Ms. Malti Gautam and accused persons namely Gaurav Gautam, Rukmani Devi, Rakesh Kumar Gautam and Rahul Gautam, who have appeared and recorded their statements in Court.

It is stated that final report has been submitted by the prosecution and case is at the stage of framing of charge.

It is further submitted that as per the statement of the parties, the compromise appears to be genuine, voluntary and out of free will of the parties and without any pressure, threat, coercion or undue influence.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which is purely personal in nature and has been amicably settled. Keeping

in view the fact that marriage between the parties also stands dissolved, report of the trial court as well as the judgment of the Supreme Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the opinion that keeping the criminal proceedings alive will not achieve any purpose and setting them aside will enable the parties to lead a peaceful life.

Accordingly, petition is allowed. FIR No.66 dated 18.06.2019 under Sections 323, 34, 354, 406, 498-A and 506 of IPC, 1860, registered at Police Station Women, Manesar, District Gurugram, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

21.10.2022

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(SUVIR SEHGAL)
JUDGE

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