

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

242+113

CRM-M-8373-2022 (O & M)

Date of decision:22.07.2022

Raman Gupta and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhupender Singh, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Vansh Malhotra, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-25398-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 23.05.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.172 dated 18.03.2020 under Sections 354-A, 406 and 498-A of IPC, 1860, however, Sections 323, 342 and 377 of IPC were added later on, registered at Police Station Thanesar Sadar, District Kurukshetra, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of settlement/agreement dated 14.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are parents-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized on 08.12.2019 with the complainant/respondent No.2 at Kurukshetra and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties are staying apart since February, 2020. According to the counsel, matrimonial dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-3, and the entire permanent alimony of Rs.20 lac has been paid.

Upon instructions from ASI Krishan, State counsel submits that 05 persons were named as accused and *challan* has been presented against 03 accused, all of whom are petitioners before this Court. She submits that the trial is pending though none out of 20 prosecution witness has been examined.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 25.02.2022, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded on the following aspects:-

“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, voluntarily and out of free will.”*

Report has been received and its relevant extract is reproduced

as under:-

“.... both the parties appeared before the Court in person and their statements regarding compromise have been recorded by undersigned being Illaqa Magistrate.

In view of the statements of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.

It is further submitted that, as per the report of the Investigating Officer, there were five persons named in FIR, but during investigation conducted by Shri Bharat Bhushan, DSP, Ladwa no evidence was found against accused Ranjna Goel and Shashi Jain and accordingly, their names were deleted from the list of accused persons challaned by police and their names were mentioned in Column No. 2 of the final report and the final report under Section 173 Cr.P.C. 1973 was presented only against accused persons challaned by the police namely Raman Gupta, Rattan Gupta and Meena Gupta only. Further he submitted that there is no other accused other than the accused persons mentioned in the FIR nor any of them has been declared as proclaimed offender.”

It is evident that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent. This Court is, therefore, of the view that as the parties have decided to bury the hatchet, continuation of

criminal proceedings would be an exercise in futility. In view of the above facts and circumstances, report of the trial court and the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, criminal proceedings deserve to be set at naught.

Accordingly, petition is allowed. FIR No.172 dated 18.03.2020 under Sections 354-A, 406 and 498-A of IPC, 1860, however, Sections 323, 342 and 377 of IPC were added later on, registered at Police Station Thanesar Sadar, District Kurukshetra, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

22.07.2022

sheetal

(SUVIR SEHGAL)

JUDGE

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