

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(125+254)

CRM-M-9308-2021 (O&M)  
Date of Decision:- 13.05.2022

Sandeep Mehta

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karunesh Kaushal, Advocate for the applicant-petitioner.

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

Mr. Robin Dutt, Advocate  
for respondent No.2.

\*\*\*\*

**SUVIR SEHGAL, J. (Oral)**

**CRM-17972-2022**

Application is allowed as prayed for.

Judgment dated 12.03.2021 passed under Section 13-B of the  
Hindu Marriage Act, 1955 is taken on record, Annexure P-4.

**Main case**

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.61 dated 23.01.2018, registered for offences under Sections 323, 406 and 498-A of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.02.2021, 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 13.02.2011 and there was no issue out of the wedlock, but from the very beginning the parties could not adjust with each other due to different backgrounds and started residing separately in August, 2011. He submits that FIR, Annexure P-1, is the outcome of a matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, and in terms of the settlement, marriage has been dissolved by mutual consent by judgment, Annexure P-4, and the entire permanent alimony of Rs.29 Lakhs has been paid.

Upon instructions received from ASI, Krishan Kumar, State counsel submits that the trial is at the stage of recording of evidence of prosecution witnesses.

Counsel for respondent No.2 has filed Vakalatnama, which is taken on record, and has admitted the factum of compromise as well as the statement of counsel for the petitioner and submits that the litigation instituted *inter se* parties has been withdrawn.

Heard counsel for the parties.

Vide order dated 26.02.2021, this Court directed the parties to appear before the Area Magistrate to get their statements recorded in support of the compromise and a report was called for on the following counts:-

- “1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free*

*will of the parties.*

*5. whether any other criminal case is pending against the accused.”*

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

*“1. As per the statement of Investigating Officer, SI Subhash Chander No.550-H, there were total seven accused persons including accused, Sandeep Mehta son of Yudhister Mehta named in this FIR, however during investigation remaining six accused persons were found innocent by the police. At present, there is only one accused, namely, Sandeep Mehta challaned in this case. None accused is absconding/proclaimed offender in this case.*

*2. There is only one complainant/aggrieved person, namely, Rinku Bala daughter of Om Parkash Mehta, who has appeared before this Court and got recorded her statement in support of compromise.*

*3. Trial of this case is at the stage of prosecution evidence.*

*4. From the statements as well as oral examination of parties by this Court, this Court is of the opinion that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat. The compromise effected between parties is genuine, voluntarily and out of free will of the parties.*

*5. As per the statement of the investigating officer, accused Sandeep Mehta is not involved in any other FIR except the FIR in question.”*

FIR, Annexure P-1, has been registered on account of marital discord, which has been amicably settled and marriage has been dissolved.

In the above backdrop as well as the report of the Trial Court and the judgments of the Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582, B.S.Joshi Versus State of Haryana (2003) 2 RCR (Criminal) 888 and Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that continuation of criminal proceedings will not serve any purpose, rather setting them aside will enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.61 dated 23.01.2018, registered for offences under Sections 323, 406 and 498-A of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)  
JUDGE

13.05.2022  
*Kamal*

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |