

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CRM-M-7262-2020 (O&M)

Date of Decision:- 30.05.2022

Vishwas Chawla and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dheeraj Narula, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana for State-respondent No.1.

Mr. Anil Kumar Spehia, Advocate for

Mr. N.K.Manchanda, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-12684-2022

Prayer in the application is for preponement of the hearing of main case, which is fixed for 26.08.2022.

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and it is ordered to be taken up on Board.

CRM-19310-2022

For the reasons given therein, application is allowed.

Order dated 08.04.2022 passed by this Court as well as judgment and decree dated 08.06.2020 passed by the Family Court, Sirsa dissolving the marriage by mutual consent are taken on record as Annexures P-3 and P-4, respectively.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.324 dated 02.05.2015, registered for offences under Sections 498-A, 406, 506 and 120-B 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 deed/agreement dated 20.01.2022, Annexure P-2 (colly), arrived at between the parties.

Counsel for the petitioners submits that the petitioner No.1 is the husband and petitioners No.2 and 3 are the married sisters-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 16.11.2013 at Sirsa and no child was born out of the wedlock, but due to differences between the two, which kept on increasing day by day, the parties started residing separately in March, 2014. Counsel submits that the marital dispute between the parties has been settled by compromise deed/agreement, Annexure P-2 (colly), with the intervention of respectables and in terms thereof, marriage has been dissolved vide judgment and decree, Annexure P-4. Still further, he submits that as agreed between the parties, petitioner No.1 has paid Rs.20 Lakhs as permanent alimony and returned all the dowry articles and respondent No.2 has handed back keys of the flat, which was in her possession. Counsel submits that the parties have appeared before the Trial Court in support of the compromise.

Upon instructions received from SI, Shalender, State counsel submits that upon conclusion of the investigation, final report has been submitted against all the three accused-petitioners and the proceedings are pending before the Trial Court.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise between the parties and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 19.02.2020, this Court directed the parties to appear before the Trial Court to get their statements recorded and a report was called for on the following counts:-

- “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 as under:-

- “(1) Nehal Nagpal is complainant and Viswas Chawala (sic Chawla), Jyoti Batra and Samata Miglani are accused in the case and they all appeared and made their statement that compromise has been effected (sic effected) between them and they do not wish to persue (sic pursue) the litigation.*
- (2) None accused is proclaimed offender in this case.*
- (3) The case is at the stage of prosecution evidence.*
- (4) The compromise of parties is voluntary and effected with free will.”*

It is evident from the above that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been amicably settled and the marriage has been dissolved by mutual consent.

In the above background and report of the Trial Court as well as the judgments of Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466*, *Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235* and *Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.324 dated 02.05.2015, registered for offences under Sections 498-A, 406, 506 and 120-B of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

30.05.2022
Kamal

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