

**136+287 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10195-2021 (O&M)

Date of Decision:28.09.2022

NAVEEN

...Petitioner

VS

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Fateh Saini, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Pawan Attri, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

CRM-34988-2022

Application is allowed as prayed for.

Judgment dated 24.03.2021 is taken on record as Annexure P-4.

CRM-M-10195-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 117 dated 15.06.2016, registered for offences under Sections 323, 34, 406, 498-A, 506 of the Indian Penal Code, 1860, at Police Station Kaithal Sadar, District Kaithal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 08.02.2021, 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 04.02.2014 and a daughter was born out of the wedlock. He further submits that disputes arose between

the parties because of different temperaments and they started residing separately since May, 2016. He states that the FIR Annexure P-1, registered by respondent No.2, has been settled by Panchayati compromise, Annexure P-2 and in terms thereof, marriage has been dissolved by judgment, Annexure P-4. By referring to the judgment, counsel for the petitioner submitted that entire permanent alimony of Rs.3 lakhs has been paid and the minor child is to remain in the care and custody of complainant-respondent No.2 .

Upon instructions received from ASI Ram Niwas, State counsel submits that although three persons were named as accused, but on conclusion of investigation, challan has been presented against the petitioner who is facing trial and some prosecution witnesses have been examined.

Counsel representing 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 04.03.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for regarding the genuineness of the compromise as well as antecedental behavior of the accused and also as to the number of accused involved in the criminal case.

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

“In view of the above statements, it seems that the above said compromise has been effected between the parties without any pressure, coercion and out of their free will.

As per report by learned APP for State, no more case is pending against the petitioner, who has never been declared proclaimed person in any case and no other accused is involved in the present FIR No.117/2016.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

In view of the above as well as the report of the Trial Court and the judgments of Supreme Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641* and *Narinder Singh Versus State of Punjab (2014) 6 SCC 466*, this Court is of the opinion that keeping the criminal proceedings pending would not achieve any purpose.

Accordingly, petition is allowed. FIR No. 117 dated 15.06.2016, registered for offences under Sections 323, 34, 406, 498-A, 506 of the Indian Penal Code, 1860, at Police Station Kaithal Sadar, District Kaithal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

September 28, 2022
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No