

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-9670-2022

Date of decision: 29.08.2022

Parveen Kumar and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. M.M. Pandey, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Naresh Chander, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 05.04.2022, this Court passed the following order in the
main case:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.556 dated 08.07.2016, registered for offences under Sections 323, 34, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Karnal Sadar, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.04.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the brother-in-law and petitioner No. 3 is the father-in-law of complainant-respondent No.2. Counsel submits that marriage of the petitioner No.1 was solemnized with complainant-respondent No.2 on 28.10.2013 and a son was born out of the wedlock, but due to temperamental differences, the parties could not pull along and have been staying separately since June, 2016. Counsel submits that in terms of the compromise, the marriage between the parties has been dissolved by virtue of judgment and decree, Annexure P-7, and the entire permanent alimony of ₹ 2.65 lacs has been paid. Still further, counsel submits that in terms of the compromise, the custody of

child is to remain with petitioner No.1.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice of behalf of State-respondent No.1. As per instructions received by her from SI, Balinder Singh, challan has been presented against all the three accused-petitioners, charge has been framed and prosecution evidence is underway. Mr. Naresh Chander, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise and does not controvert the statement of the counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 10.05.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

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 of the Area Magistrate/Trial Court be awaited for 29.08.2022.”

Report has been received from the trial court in a sealed cover, which is ordered to be open. Report has been perused and its relevant extract is as under:-

“4. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Rather this Court is convinced that the compromise between the parties in question appears to have been entered into voluntarily without any pressure or inducement.

5. It is further respectfully submitted that none of the accused has been declared Proclaimed Offender in this case and no other criminal case is pending against them. It is further submitted that there are three accused persons in this case facing trial and all accused are party to the compromise. It is further respectfully submitted that except the present complainant Meenakshi, there is no other injured/aggrieved party in the present case. However statement of father of complainant has also been recorded regarding compromise. It is further respectfully submitted that the case was at the stage of prosecution evidence. Therefore, the above report is forwarded for your kind perusal, please.”

It is evident that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by judgment and decree, Annexure P-7. Keeping in view the above development, report of the trial court and the judgments of the Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***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 would not serve any purpose.

Accordingly, petition is allowed. FIR No.556 dated 08.07.2016, registered for offences under Sections 323, 34, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Karnal Sadar, District Karnal, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

29.08.2022

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(SUVIR SEHGAL)

JUDGE

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