

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(258)

CRM-M-11353-2021 (O&M)

Date of Decision:- 05.07.2022

Kuldeep Soni

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashutosh Kaushik, Advocate for the petitioner.

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

Mr. Daksh Uppal, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-7472-2021

Application is allowed as prayed for.

CRM-M-11353-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0060 dated 25.09.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Sections 34, 354 and 377, IPC were deleted, at Women Police Station, Hisar, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 01.12.2020, Annexure P-1, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2 on 11.11.2016, however, the date of marriage has been mentioned as 11.11.2017 in the compromise, Annexure P-1. He submits that due to a trivial matrimonial dispute, FIR in

question was lodged by complainant-respondent No.2. It is his submission that the dispute between the parties has been resolved by virtue of compromise, Annexure P-1, and the parties are residing together. Still further, he submits that in pursuance to the order passed by this Court, the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions received from, SI, Sheela, State counsel submits that although six persons were named as accused in the FIR, but challan has been presented against the petitioner alone and charge has been framed against him. Still further, she submits that no witness has been examined on behalf of the prosecution.

Mr. Daksh Uppal, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama with no objection from the previous counsel, which is taken on record. He has admitted the factum of compromise between the parties.

Heard counsel for the parties.

Vide order dated 12.03.2021, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for on the following counts:-

- “i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.”*

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

“6. It is submitted that in the present case, FIR was registered on the application of complainant Sarla wife of

Kuldeep and daughter of Rameshwar.

7. *I am satisfied that the matter has been settled between the parties amicably and the compromise is genuine, voluntary and without any coercion or undue influence.*

8. *It is further submitted that accused Kuldeep is on bail and has been appearing in the Court regularly.*

9. *It is further submitted that SHO/Inspector Sunita Devi was summoned by the Court to furnish her report as regards any other proceedings pending against the accused Kuldeep. SHO/Inspector Sunita Devi appeared before the Court and submitted that no investigation is pending in case FIR No.60 dated 25.09.2018, under Section 406/498-A/323/506 of IPC, P.S. WPS, Hisar against accused Kuldeep son of Krishan Kumar. She further submitted that no other case or proceeding is pending against the accused Kuldeep.”*

It is evident that FIR is an outcome of a matrimonial dispute, which has been amicably resolved and misunderstanding between the parties, who are now staying together, has been cleared.

In view of the above development, report of the Trial Court as well as the judgments of the Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235***, ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, petition is allowed. FIR No.0060 dated 25.09.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Hisar, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

05.07.2022

Kamal

(SUVIR SEHGAL)

JUDGE

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