

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117+232

CRM-M-11603 of 2021 (O&M)
Date of decision:22.02.2022

Karan Mehta

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anuj Garg, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Vimal Kumar Gupta, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.5731 of 2022

Prayer in the application is for placing on record Annexures P-4
and P-5.

For the reasons given in the application, it is allowed.

Judgment and decree of divorce passed by mutual consent on
07.01.2022, are taken on record as Annexures P-4 and P-5, respectively.

CRM-M-11603 of 2021

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.0080 dated 13.06.2019 registered for
commission of offences under Sections 323, 34, 406, 498-A, 506 of Indian

Penal Code, 1860 at Police Station Women West Gurugram, District Gurugram, (Annexure P-1) and all subsequent proceedings arising therefrom, on basis of compromise deed dated 04.02.2021 (Annexure P-2).

Counsel for the petitioner contends that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 26.10.2016 and there was no issue out of the wedlock. He submits that due to temperamental differences, the parties could not pull along and are residing separately since 25.02.2018. Still further, he submits that the compromise (Annexure P-2) has been effected between the parties and as per terms of the compromise, entire permanent alimony of Rs.2,20,000/- has been paid to the complainant-respondent No.2 and divorce has been granted. He submits that pursuant to order dated 16.03.2021 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 from L/ASI Poonam, State counsel submits that challan has been presented and charge has not been framed. Counsel for the complainant-respondent No.2 does have any objection in case the petition is accepted.

I have heard counsel for the parties.

Vide order dated 16.03.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and a report was called for from the Court concerned regarding the genuineness of the compromise as also as to

whether any PO proceedings are pending against any of the parties. Report in compliance of the order has been received and the relevant extract thereof, is as under:-

“3. In view of statements, undersigned would like to submit that:-

- i) The compromise has actually been arrived at between the parties amicably and same is genuine, voluntarily and without any coercion and undue influence.*
- ii) Accused Karan Mehta and complainant Ananya are party to the compromise.*
- iii) Accused Karan Mehta has never been declared proclaimed offender and no other case is pending against the accused Karan Mehta as per statement of Investigating Officer.”*

Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and in **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543** has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure, 1973 to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In **Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834**, Supreme Court has held that limited jurisdiction to

compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

FIR (Annexure P-1) is an outcome of a matrimonial dispute, which has been settled and the marriage has been dissolved. Continuation of criminal proceedings would not serve any purpose and deserve to be set aside.

Accordingly, the petition is allowed. FIR No.0080 dated 13.06.2019 registered for commission of offences under Sections 323, 34, 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Women West Gurugram, District Gurugram, (Annexure P-1) along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

February 22, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes