

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(274)

CRM-M-11992-2022

Date of Decision:- 02.08.2022

Sanjay and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhishek Sindhwani, Advocate for the petitioners.

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

Mr. Yashasvi Kapila, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioners seek quashing of FIR No.55 dated 29.08.2016, registered for offences under Sections 34, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Jind, District Jind, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was

solemnized with complainant-respondent No.2 on 20.01.2012 and there is a daughter of the wedlock. He submits that due to some misunderstanding between the parties, FIR, Annexure P-1, was lodged at the behest of the complainant, but the matrimonial dispute has been settled by virtue of compromise, Annexure P-2. He submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise. Still further, he submits that the couple is staying together under one roof.

Upon instructions received from ASI, Sunita, State counsel submits that all the prosecution witnesses have been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise as well as statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 28.04.2022, this Court directed the parties as well as the Investigating Officer to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for on the following aspects:-

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

“From the statement of the parties including complainant, accused and IO, I am satisfied that the compromise is genuine, voluntary and without any coercion or undue influence. The compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. As per IO, there are three accused persons namely Bala Devi, Dharampal and Sanjay. No accused is Proclaimed Offender in the present case. The complainant is Seema and except her there is no injured. No case is pending against the accused except this case.”

It view of the fact that the matrimonial dispute has been resolved and the parties have ironed out their differences. Keeping in view the report of the Trial Court and the judgments of Supreme Court in ***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 Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in exercising the inherent powers vested in it under Section 482 of the Code and quashing the FIR, Annexure P-1.

Accordingly, the petition is allowed. FIR No.55 dated 29.08.2016, registered for offences under Sections 34, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Jind, District Jind, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

02.08.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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