

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

123+256

CRM-11930-2022 IN/AND
CRM-M-8625-2020
Date of decision: 11.05.2022

Sant Kanwar Singh and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashok Arora, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. J.C.Malik, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-11930-2022

Prayer in the application is for placing on record the judgment and decree dated 08.09.2020 passed under Section 13-B of the Hindu Marriage Act, 1955.

Counsel for the applicant-petitioner submits that the marriage of petitioner No.1 and complainant-respondent No.2 has been dissolved on 08.09.2020 and the judgment and decree are being placed on the record in compliance of the order dated 14.03.2022.

Application is allowed.

Judgment and decree are taken on record as Annexures P-6 and P-7, respectively.

Main case

On 14.03.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under 482 Cr.P.C. seeking quashing of FIR No.0041 dated 20.04.2019 registered under Sections 323, 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Women Police Station, Jhajjar, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 10.02.2020 (Annexure P-2).

Mr. J.C.Malik, Advocate has put in appearance on behalf of the complainant-respondent No.2 and has filed his 'Power of Attorney', which is taken on record.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 03.02.2019 and there is no issue out of the wedlock. However, due to temperamental differences, the marriage did not last long. Still further, he submits that dispute between the parties has been settled by virtue of compromise (Annexure P-2), whereunder, permanent alimony of Rs.5.00 lacs has been paid and the marriage has been dissolved, vide judgment and decree dated 08.09.2020.

State counsel, upon instructions from L/ASI Munesh, submits that investigation has been

completed, challan has been presented and charge has been framed against the petitioners.

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

The parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 11.04.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report 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 Trial Court/Area Magistrate be awaited for 11.05.2022.

Judgment and decree passed under Section 13-B of Hindu Marriage Act, 1955 be placed on record before the next date.”

A report has been received from the trial Court in compliance of

the above reproduced order and its relevant extract is as under:-

- “1. Two accused namely Sant Kanwar and Basanti have been arraigned in the present FIR and they both have appeared before the Court and have made their statements. None of the accused is absconding/proclaimed offender in this case.*
- 2. The name of the complainant and injured/aggrieved is Geeta Devi and she has appeared and made her statement before the Court in support of the compromise.*
- 3. The present case is at the stage of prosecution evidence.*
- 4. The compromise is genuine, voluntarily and out of free will of the parties.*
- 5. Except the present case, there is no other criminal case pending against the accused as per the statement of Investigating Officer.”*

FIR is a fallout of a matrimonial dispute which has been settled, marriage has been dissolved and the petitioner has paid the entire permanent alimony.

In the above background as well as the report of the trial Court and in view of the judgment titled as ***Ram Gopal and another Versus The State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***, in which Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 of the Code is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 of the Code. This Court is of the opinion that prolonging the criminal proceedings would not serve any purpose and the ends of justice would be served in case they are set aside.

Accordingly, the petition is allowed. FIR No.0041, dated 20.04.2019 registered under Sections 323, 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Women Police Station Jhajjar, District Jhajjar, Annexure P-1 and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

11.05.2022

pooja saini

(SUVIR SEHGAL)

JUDGE

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