

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

243

CRM-M-12230-2021

Date of decision:24.03.2022

Hitesh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pradeep Chhoker, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rajesh Nain, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

On 17.03.2021, this Court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in this petition is for quashing of FIR No.0823 dated 28.09.2020 under Sections 323, 34, 354-A, 377, 406, 498-A, 506 of Indian Penal Code, 1860, registered at Police Station Model Town, District Panipat, (Annexure P-1), along with all consequential proceedings arising therefrom, on the basis of compromise dated 10.03.2021, arrived at between the parties.

Counsel for the petitioner submits that the FIR is an outcome of marital discord between the petitioner and his wife-respondent No.2, which is now been settled by virtue of compromise dated 10.03.2021, Annexure P-2. He submits that the petitioner and his wife are now living together happily under one roof.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. Mr. Rajesh Nain, Advocate accepts notice on behalf of respondent No.2. Counsel representing respondent No.2 has admitted the factum of compromise.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 07.04.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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 Illaqa Magistrate/trial Court be awaited for 11.08.2021.

State to file reply, if any, before the next date of hearing.”

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

“On the basis of statements made by parties, this Court is of the considered view that the compromise effected between the parties is genuine and without any coercion or pressure. Point wise, information pertaining to the present case is:-

- (i) Only one person is arrayed as accused and was not declared as proclaimed offender in the present FIR;*
- (ii) Separate statement of complainant Reena and injured/aggrieved person Narender Kumar recorded;*
- (iii) The case was fixed for prosecution evidence;*
- (iv) The compromise is genuine, voluntary and without any coercion or undue influence;*
- (v) No other criminal case is pending against the accused.”*

Reply by way of an affidavit of Deputy Superintendent of Police, Law & Order, Panipat has been filed on behalf of respondent No.1-State, which is taken on record. By referring to the same, State counsel submits that the complainant did not taken back the dowry articles and also refused to get herself medically examined. Still further, she submits that although 05 persons were named as accused, but during investigation except for the husband-petitioner, all others have been found to be innocent. She submits that *challan* has been presented against the accused-petitioner under Sections 323, 406,

498-A and 506 of IPC, charge has been framed, but no prosecution witness has been examined.

Counsel representing the complainant/respondent No.2 has not only admitted the factum of compromise, but has submitted that the couple is now staying together.

Counsel for the parties are ad idem that in view of the settlement between the parties, the present petition deserves to be accepted.

Heard counsel for the parties.

Considering the fact that the FIR has emanated from a matrimonial dispute, which has been resolved and the parties are staying together as also the judgment of the Supreme Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court is of the view that prolonging of the proceedings before the criminal court would be futile and it is a fit case to exercise inherent powers under Section 482, Cr.P.C. to set aside the criminal action.

Accordingly, the petition is allowed. FIR No.0823 dated 28.09.2020 under Sections 323, 34, 354-A, 377, 406, 498-A, 506 of Indian Penal Code, 1860, registered at Police Station Model Town, District Panipat, (Annexure P-1), and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

24.03.2022
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(SUVIR SEHGAL)
JUDGE

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