

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265

CRM-M-12245-2021

Date of decision:06.04.2022

Ashveen Yadav

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Ms. Pooja Jagla, Advocate for
Mr. Aman Pal, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

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.29 dated 13.04.2020 under Sections 313, 323, 34, 406, 498-A and 506 of Indian Penal Code, 1860, registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1), along with all consequential proceedings arising therefrom, on the basis of compromise/memorandum of settlement dated 19.02.2021, 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 has been settled by virtue of compromise/memorandum of settlement dated 19.02.2021, Annexure P-2. He

invites the attention of the Court to para 7 of the memorandum of settlement to submit that the petitioner and complainant-wife will live together in an accommodation separate from the in-laws of the complainant-respondent No.2. He has referred to para 8 of the petitioner to submit that petitioner has not been declared as Proclaimed offender.

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. Aman Pal, 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 26.04.2021 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 18.08.2021.”

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

“(i) the number of accused arraigned in the FIR was four, however, the police report was filed only against the accused Ashveen Yadav, who has appeared and made his statement before the undersigned. No accused is absconding in the case.

(ii) the name of the Complainant is Shweta Yadav and she has appeared and suffered her statement in support of the Compromise.

(iii) the case was fixed for arguments on charge.

(iv) It is submitted that I am satisfied that the matter has been settled between Complainant Shweta Yadav and Accused Ashveen Yadav amicably/voluntarily, without any pressure or coercion and the compromise appears genuine on the face of record.

(v) no other criminal case is pending against the accused.”

Counsel for the petitioner has submitted that pursuant to the settlement, Annexure P-2, the parties are residing together, which fact has been affirmed by the counsel representing the complainant/respondent No.2.

Upon instructions from L/ASI Sunny, State counsel submits that offence under Sections 313 and 34 of IPC, 1860, has been deleted.

Heard counsel for the parties.

It is apparent that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled and the parties are living together under one roof. In view of the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466; Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***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 criminal proceedings would be an exercise in futility rather setting the criminal proceedings aside will enable the parties to lead a peaceful and harmonious life.

Accordingly, petition is allowed. FIR No.29 dated 13.04.2020 under Sections 313, 323, 34, 406, 498-A and 506 of Indian Penal Code, 1860, registered at Police Station Women West Gurugram, District Gurugram, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

06.04.2022

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(SUVIR SEHGAL)

JUDGE

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