

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

249+124

CRM-M-14794-2021 (O & M)
Date of decision:05.05.2022

Vishal and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Gupta, Advocate for the petitioners.

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

Mr. Arjun Atri, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-15840-2022

Allowed as prayed for.

Judgment dated 13.09.2021 passed under Section 13-B of the
Hindu Marriage Act, 1955, is taken on record as Annexure P-3.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.12 dated 29.01.2018 under Sections 498-A, 316 and 34
of IPC, 1860, registered at Women Police Station, Ambala, District
Ambala, Annexure P-1, along with all consequential proceedings arising
therefrom, on the basis of settlement dated 19.02.2021, Annexure P-2.

Counsel for the petitioners submits that the petition qua petitioner No.1 was withdrawn on 26.04.2022. He submits that petitioners No.2 and 3 are the in-laws and petitioner No.4 is the sister-in-law of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 24.09.2017 at Chandigarh and there is no child out of the wedlock. He submits that due to differences between the couple, they started residing separately since June, 2018 and FIR, Annexure P-1, is a fallout of the discord between them. Counsel submits that as the marriage become deadwood, the dispute has been settled by compromise, Annexure P-2, and in pursuance thereto, marriage has been dissolved vide judgment, Annexure P-3. He submits that all the past, present and future claims of alimony of the complainant/respondent No.2 have been duly settled.

Upon instructions from HC Mohanjeet, State counsel submits that upon conclusion of investigation, *challan* has been presented against accused-petitioners No.2 to 4, offence under Section 316 of IPC has been deleted and charge has been framed, though no prosecution witness has been examined.

Counsel for the complainant/respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 05.04.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded in support of the compromise and a report was called for regarding the validity of the compromise, antecedents of the accused and other details pertaining to the FIR. Report has been received from the Trial Court and its

relevant extract is reproduced as under:-

“In view of the joint statement made by the parties and statement of Investigating Officer SI Shanti, P.S. Women, Naraingarh, this Court is of the view that parties have got their statement recorded voluntarily without any undue influence or coercion. As per the joint statement of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further, there are three accused namely Vijay Kumar, Saroj Bala and Jyoti Rani in the present case bearing FIR No.12 dated 29.01.2018 under Sections 316, 406, 498A, 506, 34 of IPC, P.S. Women, Ambala and moreover, the accused have never been declared as proclaimed offenders/persons.”

FIR, Annexure P-1, is a consequence of a marital discord, which has been settled and the marriage has been dissolved. In view of the above background as well as the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no inhibition in quashing the FIR, Annexure P-1.

Consequently, petition is allowed. FIR No.12 dated 29.01.2018 under Sections 498-A, 316 and 34 of IPC, 1860, registered at Women Police Station, Ambala, District Ambala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua petitioners No.2 to 4.

05.05.2022
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(SUVIR SEHGAL)
JUDGE

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