

CRM-M-12711 of 2022

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-12711 of 2022
Date of decision:07.09.2022

Amit Tuteja

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gulshan Nandwani, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Pavan Malik, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 29.07.2022, this Court passed the following order in the
main case:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.27 dated 18.02.2021, registered for offences under Sections 498-A, 406, 323, 509 and 34 of the Indian Penal Code, 1860, at Police Station Women West Gurugram, District Gurugram, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of Memo of Understanding (MOU)/compromise deed dated 08.12.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that FIR, Annexure

P-1, is an outcome of a matrimonial dispute, which was settled vide MOU dated 08.12.2021, Annexure P-3, where-under it was agreed that the petitioner will pay a sum of Rs.20 lacs to the complainant-respondent No.2 as permanent alimony. He submits that in pursuance thereto, a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has been instituted at Family Court, Karkardooma Courts, Shahdara District, Delhi and half the amount stands paid. Counsel further submits that thereafter present petition was instituted for quashing of the FIR, whereby in compliance of order dated 28.03.2022, the parties appeared before the Trial Court, their statements were recorded and a report was received to the effect that the complainant is not fully satisfied with the settlement. Still further, he submits that vide order dated 27.04.2022, the matter was referred to the Mediation and Conciliation Centre of this Court to resolve the minor issues remaining between the parties and vide settlement/agreement dated 17.05.2022, it has been agreed that the petitioner will pay a sum of Rs.2 lacs as full and final settlement to the complainant-respondent No.2 for the disputed articles alleged to be in his possession. By referring to the terms of this settlement, he submits that a sum of Rs.1 lac has been paid at the time of quashing of an FIR, which was registered at Delhi and the balance amount is to be paid at the

time of quashing of the FIR, Annexure P-1. Furthermore, he submits that the balance Rs.10 lacs as agreed in MOU, Annexure P-3, is to be paid at the time of recording of the second motion in the divorce petition.

Upon instructions received from L/ASI, Renu, State counsel submits that although five persons were named as accused, but on conclusion of investigation, challan has been presented against the husband-petitioner alone, though charge has not been framed.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as also the developments as brought forth by the counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 08.08.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 the Area Magistrate/Trial Court be awaited for 07.09.2022.

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

“i) One accused Amit Tuteja has appeared before the Court and made his statement. No accused is absconding in this case.

ii) The complainant is Ms. Preeti and she has also appeared and suffered her statement in support of the compromise.

iii) The trial is at the stage of arguments on charge.

iv) The compromise is genuine voluntary and out of free will of the parties.

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

By referring to the terms of the settlement agreement dated 17.05.2022 arrived at before the Mediation and Conciliation Centre of this Court, counsel for the petitioner has handed over a demand draft of Rs.1.00 lakh drawn in favour of complainant-respondent No.2, xerox copy of which has been retained on the record, to counsel representing her. Attention of this Court has been invited to clause (vi) of the Memorandum of

Understanding (Annexure P-3), to submit that balance permanent alimony of Rs.10.00 lacs has to be paid at the time of recording of second motion, which has to be moved after the present FIR is quashed.

Counsel representing the complainant-respondent No.2 has admitted the receipt of the amount as stated by counsel for the petitioner and has supported the prayer made by him.

Keeping in view the above developments, report of the Trial Court and the fact that dispute which had arisen out of marital discord has been amicably settled as well as judgments of Supreme Court in **Gold Quest International Private Limited Vs. State of Tamil Nadu and others (2014) 15 SCC 235** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that continuation of criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.27 dated 18.02.2021, registered for offences under Sections 498-A, 406, 323, 509 and 34 of the Indian Penal Code, 1860, at Police Station Women West Gurugram, District Gurugram (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes