

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

252+130

CRM-M-12794-2022 (O & M)

Date of decision:19.12.2022

Mangal Goswami and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kartik, Advocate for
Mr. Baljeet Beniwal, Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Mr. D.S. Walia, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-45067-2022

Application is allowed as prayed for.

Divorce judgment and decree dated 29.04.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-4.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.38 dated 16.01.2017 under Sections 406, 498-A, 506 and 34 of IPC, 1860, registered at Police Station Sarai Khawaja, District Faridabad, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of settlement deed dated 01.10.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the sisters-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 27.04.2015 at Faridabad and there is no issue out of the wedlock. He submits that due to temperamental differences, they started staying separately since October, 2016. Counsel submits that FIR, Annexure P-1, has emanated from a matrimonial dispute,

which has been settled by settlement, Annexure P-2, marriage has been dissolved by divorce decree, Annexure P-4. Counsel submits that the petitioners have paid entire permanent alimony of Rs.6 lac to the complainant/respondent No.2.

Upon instructions from SI Bijender, State counsel submits that prosecution evidence is underway and some witnesses have been examined.

Counsel for complainant/respondent No.2 has admitted the factum of settlement and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 28.03.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

Number of persons arrayed as accused	As per report filed by Investigating officer, there is only three accused in the instant FIR
Whether any of the accused has been declared a Proclaimed Offender	As per report filed by Investigating officer, there is no proclaimed person in the present case.
If the compromise so effected between the parties is genuine, voluntarily and out of their free will.	Upon individual enquiry from the complainant as well as all the accused persons, I am satisfied that the compromise arrived at between complainant on the one hand and accused persons on the other, was voluntary & genuine.
Whether the accused persons are involved in any other case	As per report of Investigating Officer, no other criminal case is pending against accused persons.
Number of the victim/complainant in the instant FIR	As per report of Investigating Officer, there is only one complainant namely Pooja Puri in the instant FIR.

It is evident from the above that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent. Keeping in view of the above facts and

circumstances, report of the trial court and the judgments of the Supreme Court in *Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582*; and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.38 dated 16.01.2017 under Sections 406, 498-A, 506 and 34 of IPC, 1860, registered at Police Station Sarai Khawaja, District Faridabad, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

19.12.2022

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(SUVIR SEHGAL)

JUDGE

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