

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-13154-2022

Date of decision:06.09.2022

Manoj Show and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Kumar Rana, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. J.P. Rana, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 29.03.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.50 dated 07.02.2017 under Sections 406/498-A and 506 of IPC, 1860, registered at Police Station Sector-31, Faridabad, District Faridabad, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 to 4 are his relatives. Counsel submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 26.04.2007 and two children were born out of the wedlock, but due to temperamental differences, the parties could not pull along and have been living separately since 19.11.2014. He submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled by virtue of a compromise, which is reflected in the joint petition, Annexure P-3, filed by the parties seeking divorce by mutual consent. Counsel submits that the marriage between the parties has been dissolved by judgment dated 04.02.2021, Annexure P-4, passed under Section 13-B of the Hindu Marriage

Act, 1955, petitioner No.1 has paid the entire permanent alimony of Rs.3 lacs and it has been agreed that the custody of both the children will remain with him. By referring to Para 15 of the petition, counsel submits that none of the petitioners have been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, AAG, Haryana, accepts notice on behalf of respondent No.1-State. She has instructions from SI Mahavir Singh, to submit that investigation has been completed, final report has been submitted, charge has been framed against petitioners No.1 and 2 as well as against Arjun Sahu, father-in-law of the complainant/respondent No.2, who has expired. Mr. J.P. Rana, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Vakalatnama in Court, which is taken on record. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 06.05.2022 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 Area Magistrate/Trial Court be awaited for 06.09.2022.”

Report has been received from the trial court in deference to

the above-said reproduced order and its relevant extract is as under:-

“(iii) In the present case, as per the statement of the concerned Investigation Officer, SI Kuldeep Singh, at present posted at, P.S. Sector-31, Faridabad, as per the FIR and the investigation,

initially there were five accused persons namely Manoj Show, Arjun, Savitri Show, Rekha and Santosh in the FIR no.50 dated 07.02.2017 under Sections 498A, 406, 506, 34 IPC, P.S. Sector-31, District Faridabad. Later on during the investigation the accused persons namely Manoj, Arjun and Savitri were arrested and produced before the court and challan was also filed only against these three accused persons.

It is also pertinent to mention here that the accused namely Arjun has died and only two accused are facing trial namely Manoj and Savitri. Today, four person apart from the complainant have appeared before the court for recording of their statements namely Manoj Show, Smt. Savitri Show (appeared through VC), Santosh Show and Rekha Show.

(iv) As per the report of the concerned Investigation Officer, SI Kuldeep Singh, at present posted at, P.S. Sector-31, Faridabad, none has been declared as Proclaimed Offender(s) in the present FIR no. 50 dated 07.02.2017 under Sections 498A, 406, 506, 34 IPC, P.S. Sector-31, District Faridabad. As per the report of the concerned Investigation Officer, no other criminal proceedings are pending against the accused persons in the concerned police Station.

(v) As per the record, there is only one complainant and injured/aggrieved person in the present case namely Pinki Show and she is present before the court today for the purpose of recording of her statement.

(vi) As per the record, the present case is pending at the stage of prosecution evidence and no witness has been examined till date.

(vii) This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily and without any coercion or undue influence between the Complainant namely Pinki Show and the Accused Persons namely Manoj Show, Smt. Savitri Snow (appeared through VC), Santosh Show and Rekha Show and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence.”

It is evident from the above that FIR is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by judgment and decree, Annexure P-4. In view of the

above development, report of the trial court and the judgments of the Supreme Court in *Gold Quest International Private Limited Versus The 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 view that continuation of criminal proceedings would be a futile exercise.

Accordingly, petition is allowed. FIR No.50 dated 07.02.2017 under Sections 406/498-A and 506 of IPC, 1860, registered at Police Station Sector-31, Faridabad, District Faridabad, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

06.09.2022
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(SUVIR SEHGAL)
JUDGE

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