

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(258)

CRM-M-11203-2020
Date of Decision:- 25.08.2022

Yogesh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pranjal P. Chaudhary, Advocate for the petitioners.

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

SUVIR SEHGAL, J. (Oral)

Mr. Navraj Singh, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.180 dated 17.06.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Kheripur, District Faridabad, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of settlement arrived at between the parties during the proceedings of mutual divorce, Annexure P-4, obtained by petitioner No.1-husband and respondent No.2-wife.

Counsel for the petitioners submits that the petitioner No.1 is the husband of complainant-respondent No.2 and petitioners No.2 to 6 are the relatives of petitioner No.1. He submits that the marriage of petitioner No.1

was solemnized with complainant-respondent No.2 on 29.11.2017 at Faridabad, however, the marriage irretrievably failed and they have been living separately since April, 2018. He submits that there is no issue born out of the wedlock and the matrimonial dispute has been settled as is apparent from the joint statement, Annexure P-3, recorded by the parties in support of the petition filed under Section 13-B of the Hindu Marriage Act, 1955. Still further, he submits that in terms of the settlement, petitioners have paid an amount of Rs.4.20 lacs to the complainant-respondent No.2.

Upon instructions received from SI, Jeet, State counsel submits that upon conclusion of investigation, challan has been filed against the accused-petitioners and charge has been framed.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and has submitted that the complainant has withdrawn both the cases instituted by her. Reply by way of an affidavit of Assistant Commissioner of Police, Old Faridabad, District Faridabad, filed on behalf of respondent No.1 is taken on record.

Heard counsel for the parties.

Vide order dated 17.03.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded in support of compromise. A report was called for from the Trial Court, which has been received and its relevant extract is as under:-

*“1. Number of persons arrayed as accused in FIR.
From the perusal of the FIR, the number of accused arrayed therein are nine namely Yogesh, Rajbala, Gopal Singh, Mahesh Kumar, Vinod Kumar, Harbir Singh, Krishan Pal, Bablu @ Balraj and Charan Singh. However, as per the report of the Investigating Agency, Krishan Pal, Bablu and Charan Singh were found to be innocent by the ACP namely Ms. Pooja Dabla, during investigation and*

therefore, challan was not filed against them. In the challan, there were six persons arrayed as accused namely Yogesh, Rajbala, Gopal Singh, Mahesh Kumar, Vinod Kumar, Harbir Singh.

2. *Whether any accused is proclaimed offender (and),*

The accused have suffered a statement that they have not been declared as a proclaimed offender in any case to their knowledge. Further, perusal of the case file reveals that the accused persons are not proclaimed offender in the present case. As per the report of the Investigating Agency, no proclaimed person/proclaimed offender proceedings are pending against any of the parties as per their record.

3. *The state (sic stage) of trial/proceedings:
The case is at the stage of prosecution evidence.”*

Trial Court has further reported that the compromise is without any pressure, threat, coercion or undue influence from either of the sides and is a genuine compromise.

It is evident from the above that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and the judgments of 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 is of the view that continuation of the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.180 dated 17.06.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Kheripur, District Faridabad, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

25.08.2022

Kamal

**(SUVIR SEHGAL)
JUDGE**

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