

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289

CRM-M-15583 of 2021
Date of decision:27.09.2022

Jitender Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Chaudhary, Advocate
for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

Mr. S.K.Tripathi, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.175 dated 23.07.2014 registered for offences under Sections 312, 354, 377, 406, 498-A, 506, 34 of Indian Penal Code, 1860, at Police Station Bawal, District Rewari (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 04.11.2009 and there is no issue out of the wedlock. He submits that due to temperamental differences, parties started residing separately from

December, 2015 and despite efforts by well-wishers, marriage could not be saved. Counsel submits that FIR (Annexure P-1), which is an outcome of bitterness and acrimony between the parties, has been settled as is apparent from the joint statement of the parties recorded in the petition filed under Section 13-B of the Hindu Marriage Act, 1955. Counsel submits that marriage has been dissolved vide judgment and decree passed by mutual consent on 30.09.2021 (Annexure P-8) and the entire permanent alimony of Rs.30.00 lacs has been paid. Still further, he submits that although various allegations were levelled against the petitioner, but charge was framed against him under Sections 406, 498-A IPC.

Upon instructions received from ASI Mamta, State counsel submits that prosecution has concluded its evidence and the trial is fixed for examination of defence witnesses.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 19.04.2021, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for regarding authenticity of the compromise, as also as to whether any other person, besides the petitioner, is involved. State was also directed to get instructions regarding antecedents of the petitioner. Report has been received and its relevant extract is as under:-

“Perusal of the statements of both the parties reflects

that they have entered into compromise voluntarily and without any pressure or influence from any side. Compromise entered into between the parties is genuine.

It is also reported that the complainant submitted that the consent of her father is required for compromise. Perusal of the file shows that the father of the complainant is also witness in the present case and therefore, the statement of the father of the complainant has also been recorded.

It is further reported that as per the Investigating Officer, there is no other criminal case pending against the petitioner.”

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

In view of the above facts, report of the Trial Court and the judgment 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 keeping the criminal proceedings alive would not serve any purpose, rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.175 dated 23.07.2014 registered for offences under Sections 312, 354, 377, 406, 498-

A, 506, 34 of Indian Penal Code, 1860, at Police Station Bawal, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 27, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>