

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

273

CRM-M-14464 of 2022
Date of decision:08.09.2022

Rahul Chandana

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shantanu Bansal, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Shubham Thakur, Advocate for
Mr. Amandeep Singh Saroo, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 06.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0106 dated 26.03.2019, registered for offences under Sections 323, 34, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Hisar City, District Hisar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 14.03.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that FIR is an outcome of trivial matrimonial issue, which has been resolved, and the complainant-respondent No.2 and the petitioner are residing together.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice of behalf of State-respondent No.1. As per instructions received by her from ASI, Sumer Singh, she submits that charge has been framed, but prosecution evidence is yet to start. Mr. Amandeep Singh Saroo, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise and does not controvert the statement of the counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 05.05.2022 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 the Area Magistrate/Trial Court be awaited for 08.09.2022.

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

“(1) There is only one accused Rahul Chandana in the present case/FIR and his statement has been recorded regarding compromise with his wife-complainant. No accused is absconding or proclaimed offender in the present case as per report of the Investigating Officer.

(2) Complainant and accused have appeared before the Court and their statement regarding compromise has been recorded.

(3) The case was fixed for prosecution evidence at present. Charge was framed on 03.09.2019.

(4) The compromise seems genuine, voluntary and out of free will of the parties.

(5) As per the report of the Investigating Officer apart from

the present FIR, there is no other criminal case pending against accused Rahul Chandana.”

Heard counsel for the parties.

From the above it is evident that FIR (Annexure P-1) is an outcome of a matrimonial dispute, which has been resolved, parties have ironed out their differences and are living together under one roof.

In view of the above development, report of the Trial Court and judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** 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 be an exercise in futility.

Accordingly, the petition is allowed. FIR No.0106 dated 26.03.2019, registered for offences under Sections 323, 34, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Hisar City, District Hisar, (Annexure P-1), alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 08, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes