

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-16269 of 2021
Date of decision:31.03.2022

Parveen and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Satyawan Singh Nain, Advocate
for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

Mr. Amit Khari, Advocate for
Mr. Baljeet Nain, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.92 dated 10.05.2018 registered under Sections 323, 34, 406, 498-A, 506 of Indian Penal Code, 1860 at Women Police Station Jind, District Jind (Annexure P-1) as well as all subsequent proceedings arising therefrom, on the basis of compromise dated 21.02.2021 (Annexure P-2).

At the outset, counsel for the petitioners seeks and is granted

permission to withdraw the petition qua petitioner No.4-Jyoti as she has been exonerated in the challan filed by the investigating agency.

Petition is dismissed as withdrawn qua petitioner No.4.

Counsel appearing on behalf of petitioners No.1 to 3 submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the in-laws of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 19.04.2017 and there is no issue out of the wedlock, but due to temperamental differences, parties could not adjust with each other and have been staying separately. He submits that FIR (Annexure P-1) is an outcome of matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2), permanent alimony of Rs.8.5 lacs has been paid and marriage has been dissolved by judgment and decree dated 02.07.2021 passed under Section 13-B of Hindu Marriage Act, 1955. Counsel submits that pursuant to order passed by this Court, both the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from L/ASI Reena, State counsel submits that although there were four accused named in the FIR, but the challan has been presented against petitioners No.1 to 3 only, charge has been framed and prosecution evidence is underway.

Counsel representing complainant-respondent No.2, besides admitting the factum of compromise, admits that complainant-respondent No.2 has received the entire amount of permanent alimony.

Heard counsel for the parties.

Vide order dated 19.04.2021, this Court directed the parties to appear before the Trial Court for getting their statements recorded and a report was called for, on following counts:-

- “1. the number of accused arraigned in the FIR and how many have appeared before it and have made statement 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 has been received and its relevant extract is as under:-

- “1. From the statements of complainant and accused, it appears that they have genuinely and voluntarily settled their dispute through compromise.*
- 2. Though the FIR was initially lodged against four accused i.e. Accused Parveen, Balwant, Kesar Devi and Jyoti, but the police exonerated accused Jyoti from the charge-sheet. The police filed the challan/final report under Section 173 Cr.P.C*

only against three accused namely Parveen, Balwant and Kesar Devi and placed accused Jyoti in column no.12 of charge sheet by stating that during investigating (sic investigation) she was found innocent.

3. Statement of IO/ASI Neelam verified/attested by learned APP for the State also recorded to the effect that no other criminal case is pending against the accused Parveen, Balwant Singh and Kesar Devi. She further stated that in the present case, the police has filed final report against three accused persons namely Parveen, Balwant Singh and Kesar Devi while finding the accused namely Jyoti wife of Devinder as innocent and none of the accused has been declared proclaimed offender.”

Considering the fact that FIR is emanated from the matrimonial dispute which has been settled, marriage has been dissolved, this Court is of the view that continuation of criminal proceedings will be an exercise in futility and it is a fit case for exercise of inherent power under Section 482 Cr.P.C to set aside penal proceedings.

In view of the judgments of Supreme Court in **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, petition is allowed. FIR No.92 dated 10.05.2018 registered under Sections 323, 34,

406, 498-A, 506 of Indian Penal Code, 1860 at Women Police Station Jind, District Jind (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua petitioners No.1 to 3 only.

March 31, 2022

savita

(SUVIR SEHGAL)
JUDGE

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