

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

252-1

CRM-M-11747-2020

Date of decision:18.08.2022

Suraj Pal

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rahul Singla, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Dharam Bir Bhargav, Advocate
for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.24 dated 24.07.2019 under Sections 323, 406, 498-A, and 506 of IPC, 1860, registered at Women Police Station Narayangarh, District Ambala, Annexure P-1, on the basis of compromise 14.01.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been amicably settled and the parties are residing together.

By referring to the reply filed by way of an affidavit of Additional Superintendent of Police, Ambala, State counsel, upon instructions from Inspector Sunita, submits that a cancellation report has been presented before the trial court.

Counsel for respondent No.2 has admitted the factum of compromise and the fact that the parties are living under one roof.

Heard counsel for the parties.

Vide order dated 15.03.2022, this Court directed the parties as well as Investigating Officer to appear before the Area Magistrate/Trial Court and to get their statements recorded in support of the compromise and a report was called for on the following counts:-

“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 has been received and its relevant extract is reproduced as under:-

“1. There is only one accused namely Suraj Pal son of Ravel Chand in FIR No.24 dated 24.07.2019 under Sections 323,406, 498-A and 506 IPC registered at Women Police Station, Naraingarh and the above named accused appeared before the court for recording his statement. Further, the accused is not involved or declared proclaimed offender in any other criminal case as per statement of accused as well as statement of Investigating Officer.

2. There is only one complainant namely Ashi Devi who is the aggrieved person in the present FIR and she has appeared before the court to record her statement in support of the compromise.

- 3. Only FIR has been sent in the court being llaqua Magistrate and no remand paper etc. is pending in the court. However, as per statement of Investigating Officer, the cancellation report has been prepared in the present case on the basis of compromise effected between the complainant and accused.
- 4. As per the statements of the parties, the compromise has been effected between them by their free will, in sound state of mind, without any coercion or undue influence and compromise is genuine and voluntarily.
- 5. As per statements of accused Suraj Pal and Investigating Officer, no other criminal case is pending against accused Suraj Pal except the present case.”

Considering that the estranged couple has ironed out their differences, report of the trial court and judgment of the Supreme Court in *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 will not serve any purpose.

Accordingly, petition is allowed. FIR No.24 dated 24.07.2019 under Sections 323, 406, 498-A, and 506 of IPC, 1860, registered at Women Police Station Narayangarh, District Ambala, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

18.08.2022
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(SUVIR SEHGAL)
JUDGE

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