

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211-1)

CRM-M-15395-2022

Date of Decision:- 08.08.2022

Hitesh Kumar and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arpandeeep Narula, Advocate
for the petitioners No.1 and 2.
(petition qua petitioners No.3 and 4 has been withdrawn vide
order dated 29.04.2022 passed by this Court.)

Ms. Deepshikha Chauhan, AAG, Haryana
for State-respondent No.1.

Mr. Chirag Wadhwa, Advocate
for complainant-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.109 dated 27.08.2019, registered for offences under Sections 377, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of deed of settlement dated 24.03.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of complainant-respondent No.2. He submits that in so far as petitioners No.3 and 4 are concerned, they were found innocent during investigation and vide order dated 29.04.2022 passed by this Court, petition qua them was permitted to be withdrawn. Counsel submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 09.02.2019, there is no issue out of the wedlock and they have been residing separately since 25.03.2019. He submits that FIR, Annexure P-1, is an outcome of a marital discord, which has been settled by virtue of deed of settlement, Annexure P-2, and marriage has been dissolved by mutual consent vide judgement dated 20.05.2022, a Xerox copy of which has been placed on the record. Counsel submits that all claims *inter se* parties have been settled.

Upon instructions received from L/ASI, Meenu, State counsel submits that petitioner No.1 has joined the investigation and is no longer required for custodial interrogation. In so far as petitioner No.2 is concerned, she submits that he never joined the investigation.

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

Heard counsel for the parties.

Vide order dated 29.04.2022, this Court directed the parties as well as the Investigating Officer to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for on the following points:-

- “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 as under:-

- “(i) There are five accused in the present FIR and challan was presented against Hitesh & Vijay and accused namely Kanupriya & Deepanshu were found innocent during investigation and accused Krishana has died. Accused above-named was never declared proclaimed offender in the present FIR.*
- (ii) Sonam is the complainant in the present FIR. Yes complainant appeared through VC and made her statement in support of compromise.*
- (iii) The proceedings in the present case is (sic are) going (sic on) for awaiting challan.*
- (iv) Yes, the compromise between the parties is valid and genuine and has been effected without there being any kind of influence or coercion.*
- (v) No other criminal case is pending against the accused persons.”*

FIR, Annexure P-1, is an essentially outcome of a matrimonial dispute, which has been settled and marriage has been dissolved by mutual consent.

Keeping in view the above facts, report of the Trial Court as well as the judgments of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***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 not serve any purpose.

Accordingly, petition is allowed. FIR No.109 dated 27.08.2019, registered for offences under Sections 377, 406, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Karnal, District Karnal, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua petitioners No.1 and 2.

(SUVIR SEHGAL)
JUDGE

08.08.2022
Kamal

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