

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(263)

CRM-M-16922-2021
Date of Decision:- 16.09.2022

Aditya Jain and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jitender Yadav, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. Himanshu Joshi, Advocate for
Mr. Rose Gupta, 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.4 dated 21.01.2019, registered for offences under Sections 323, 406, 498-A and 34 of the Indian Penal Code, 1860, at Women Police Station, Hisar, District Hisar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise/settlement dated 03.04.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 22.02.2015, however, due to temperamental differences between them, they have been living separately since September, 2018. Counsel submits that the marriage

irretrievably broke down and FIR, Annexure P-1, is an outcome of a marital discord. He submits that the dispute has been settled by virtue of compromise, Annexure P-2, and in terms of the settlement, entire permanent alimony of Rs.55 lacs has been paid and marriage has been dissolved by judgment and decree dated 22.01.2021, Annexure P-3.

Upon instructions received from ASI, Suman, State counsel submits that on conclusion of investigation, challan has been presented, but charge has not been framed.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise, the receipt of the permanent alimony as well as the divorce between the parties.

Heard counsel for the parties.

Vide order dated 16.08.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements with regard to the compromise and a report was called for on the following aspects:-

- “i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntary and out of free will.”*

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

“i. Name of the complainant in FIR-Kanika Jain D/o Jai Prakash.

Names of accused arrayed in the FIR-Aditya Jain S/o Raj Kumar Jain, Raj Kumar Jain and Abha Jain w/o Raj Kumar Jain.

It has also been verified from the parties and the

SHO, Women Police Station, Hisar, that there is no other person named in the FIR, apart from the parties to the petition. All the aforesaid persons have appeared and made their statements in support of the compromise effected between them.

ii. None of the accused has been declared a proclaimed offender in the present case.

iii. The proceedings of this case are at the stage of arguments on charge.

iv. In view of the statements of the parties, I am satisfied that the parties have compromised the matter without any fear, undue influence or pressure and that the compromise has been voluntarily arrived at between them.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no reservation in quashing the FIR.

Accordingly, the petition is allowed. FIR No.4 dated 21.01.2019, registered for offences under Sections 323, 406, 498-A and 34 of the Indian Penal Code, 1860, at Women Police Station, Hisar, District Hisar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

16.09.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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