

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120+236)

CRM-M-15846-2022 (O&M)

Date of Decision:- 26.08.2022

Deepak Chhabra

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Arora, Advocate
for the applicant-petitioner.

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

SUVIR SEHGAL, J. (Oral)

CRM-30664-2022

For the reasons given in the application, it is allowed.

Annexures P-7 and P-8 are taken on record.

Main case

Mr. V.B.Aggarwal, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0042 dated 29.06.2020, registered for offences under Sections 323, 34, 406 and 498-A of the Indian

Penal Code, 1860, at Women West Police Station, Gurugram, District Gurugram, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise/settlement agreement dated 25.02.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2 on 28.08.2014 at Gurugram and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties parted ways and have been staying separately since December, 2017. Counsel submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, arrived at before the Mediation and Conciliation Centre, Gurugram. He submits that marriage has been dissolved by judgment and decree dated 05.05.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, which forms part of Annexure P-8 and entire permanent alimony of Rs.8 lacs has been paid.

State counsel has filed reply by way of an affidavit of Assistant Commissioner of Police, Crime Against Women, Gurugram, which is taken on record. By referring to the reply, State counsel submits that besides the petitioner, his mother-in-law was also named as an accused, but she was found to be innocent and challan was presented against the petitioner, though charge is yet to be framed.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and divorce as well as the receipt of permanent alimony. He supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 19.04.2022, this Court directed the parties as well as the Investigating Officer to appear before the Trial Court/Area Magistrate and get their statements recorded on the following aspects:-

- “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.”*

A report was called for from the Trial Court, which has been received and its relevant extract is reproduced as under:-

- “(i) One accused Deepak Chhabra has appeared before the Court and made his statement. No accused is absconding in this case.*
- (ii) The complainant is Ms. Vandana and she has also appeared and suffered her statement in support of compromise.*
- (iii) The trial is at the stage of framing of charge.*
- (iv) The compromise is genuine voluntary and out of free will of the parties.*
- (v) No other criminal case is pending against the accused.”*

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

Keeping in view the above development, report of the Trial Court and the judgments of the 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 is of the view that keeping the criminal proceedings pending would be an exercise in futility.

Accordingly, the petition is allowed. FIR No.0042 dated 29.06.2020, registered for offences under Sections 323, 34, 406 and 498-A of the Indian Penal Code, 1860, at Women West Police Station, Gurugram, District Gurugram, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

26.08.2022

Kamal

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