

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

267+120

CRM-M-16283-2022 (O & M)
Date of decision:11.07.2022

Ajay

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Lochab, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Naveen Sharma, Advocate for
Mr. Jatinder Singh, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-23314-2022

Allowed as prayed for.

Judgment and decree of divorce dated 05.05.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-3 (re-numbered as Annexure P-4), in compliance of order dated 02.06.2022 passed by this Court.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.310 dated 21.08.2021 under Sections 323, 34, 377, 498-A and 506 of IPC, 1860, registered at Police Station Gohana Sadar, District Sonapat, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 06.04.2022, Annexure P-2.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant/respondent No.2 on 04.02.2020 and no child was born from the wedlock. He submits that due to temperamental differences, parties have been living separately since 12.09.2020. Counsel submits that FIR is an outcome of matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2. By referring to the terms of the compromise, he submits that all claims regarding *istridhan* and permanent alimony stand settled and marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-3. He submits that the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Upon instructions from L/ASI Santosh, State counsel submits that *challan* has been presented and charge has been framed against the petitioner-accused, though prosecution evidence is yet to start.

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

Heard counsel for the parties.

Vide order dated 21.04.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for on the following counts:-

*“i) regarding genuineness and voluntary nature of the compromise;
ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
iii) whether any other proceeding is pending against the accused/petitioners.”*

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

“ASI Santosh (IO) appeared before the Court and suffered a statement to the effect that she is Investigating Officer in this case. After completing the investigation in FIR No.310/2021, u/s 498-A, 323, 377, 506 IPC, P.S.Sadar, Challan was produced. Accused. Ajay is on bail. Neither any other accused is involved in this case nor any case is pending against any party of this case.

In my opinion, in view of the above-said statements of the victims/complainant and the accused person, the matter has been settled/compromised between them voluntarily, without any threat, pressure, coercion and undue influences from any corner. The compromise effected between them is genuine.”

FIR is a fall-out of a matrimonial dispute, which has been settled and marriage has been dissolved. Keeping in view the above development, report of the trial court as well as judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, instant petition deserves to be accepted and the criminal proceedings are liable to be set aside.

Accordingly, petition is allowed. FIR No.310 dated 21.08.2021 under Sections 323, 34, 377, 498-A and 506 of IPC, 1860, registered at Police Station Gohana Sadar, District Sonipat, Annexure P-1, and all subsequent proceedings arising therefrom, is quashed qua the petitioner.

11.07.2022

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(SUVIR SEHGAL)

JUDGE

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