

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130)

CRM-M-16234-2022 (O&M)-
Date of Decision:- 07.12.2022

Akash Goyal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jagjeet Beniwal, Advocate for the applicant-petitioner.

Ms. Mahima Yashpal, DAG, Haryana for State-respondent No.1.

Mr. Ajay Redhu, Advocate for

Mr. S.S.Mor, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-43919-2022

Prayer in the application is for preponement of the hearing of main case, which is fixed for 22.03.2023.

Noticing the prayer made in the application, it is allowed.

Date of hearing of the main case is advanced to today and it is ordered to be taken up on Board.

CRM-43924-2022

Application is allowed as prayed for.

Judgment and decree dated 03.10.2022 passed by the Family Court, Bhiwani is taken on record as Annexure P-3.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.950 dated 11.12.2019, registered for offences under Sections 323, 406, 498-A, 506 and 34 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Section 34, IPC was deleted, at Police Station Bhiwani City, District Bhiwani (Haryana), Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 30.03.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner's marriage was solemnized with complainant-respondent No.2 on 31.10.2017 at Gaziabad and there is no issue out of the wedlock. He submits that due to temperamental differences between the parties, they could not live together and parted ways in October, 2018. He submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-3 and the entire permanent alimony of Rs.11 lacs has been paid.

Upon instructions received from SI, Satish, State counsel submits that charge has been framed, but no prosecution witness has been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and submits that the complainant has received the entire permanent alimony.

Heard counsel for the parties.

Vide order dated 21.04.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

- “1) *In the present case, initially FIR had been filed against four accused persons Akash Goyal, Minakshi Goyal, Sakshi Goyal and Tushan Jain but later during police investigation names of accused persons namely Minakshi Goyal, Sakshi Goyal and Tushar Jain were dropped on being found innocent and challan was filed in the Court against accused Akash Goyal only.*
- 2) *None of the accused is declared proclaimed offender.*
- 3) *The compromise between parties appears to be genuine, voluntary and without any coercion and undue influence to my belief.*
- 4) *No other FIR is registered or pending against the accused Akash Goyal.*
- 5) *As per the statement recorded of IO HC Sunita, there is only one victim/complainant namely Swati Gupta in the present FIR.”*

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 developments, 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 is of the opinion that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.950 dated 11.12.2019, registered for offences under Sections 323, 406, 498-A, 506 and 34, IPC, however, later on Section 34, IPC was deleted, at Police Station Bhiwani City, District Bhiwani (Haryana), Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)

JUDGE

07.12.2022

Kamal

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