

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

252-2

CRM-M-20135-2021

Date of decision:18.08.2022

Ashi Devi and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Dharam Bir Bhargav, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Rahul Singla, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.143 dated 03.05.2019 under Sections 323, 148, 149, 379-B, 427 and 506 of IPC, 1860, registered at Police Station Naraingarh, District Ambala, Annexure P-1, on the basis of compromise/settlement dated 14.01.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute between the parties, which has been amicably settled. An FIR No.24 dated 24.07.2019 was lodged by petitioner No.1 for offences under Sections 323, 406, 498-A and 506 of IPC at Police Station Women, Naraingarh, District Ambala, against her husband-respondent No.2, which has been quashed by this Court by an order passed on even date in CRM-M-11747-2020 on the basis of compromise, Annexure P-2. He submits that the parties have appeared before the trial court pursuant to order passed by this Court and recorded their statements in support of the compromise.

Upon instructions from Inspector Sunita, State counsel submits that investigation is complete and *challan* has been presented.

Counsel for respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 15.03.2022, this Court directed the parties as well as Investigating Officer to appear before the Area Magistrate/Trial Court and to get their statements recorded in support of the compromise and a report was called for 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. ”

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

“It is further submitted that the compromise is genuine, voluntary, and without any coercion or undue influence. Compromise has been effected between the parties with their free consent.

It is also submitted that in the statement (on the basis of which formal FIR was registered) of complainant, he disclosed that Ashi, Manohar Lal, Tejinder Singh, Vikas, Vakil Chand, Usha Devi and 4/5 other boys attacked him. After investigation, final report has been filed against five accused persons named Usha Devi, Ashi Devi, Manohar Lal, Tejinder Singh and Vikas @ Rinku and

accused Vakil Chand was not found involved in the incident. All the five accused persons against whom final report has been filed, have appeared and have made statement. None of the accused is absconding. None of the accused has been declared proclaimed person.

It is further submitted that name of the complainant is Suraj Pal and of injured is Narender Pal and both of them have appeared and have made statement in support of compromise.

It is also submitted that the case is at the stage of arguments on charge and as per report of SHO Police-Station: Naraingarh and statement of accused persons, FIR No. 21 dated 01.02.2017 has been registered against accused Vikas (@ Rinku and no other FIR is registered against accused persons named Manohar Lal, Tejinder Singh, Ashi Devi and Usha Rani.”

Considering that the estranged couple has ironed out their differences, report of the trial court and judgment of the Supreme Court in ***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 continuation of criminal proceedings will not serve any purpose.

Accordingly, petition is allowed. FIR No.143 dated 03.05.2019 under Sections 323, 148, 149, 379-B, 427 and 506 of IPC, 1860, registered at Police Station Naraingarh, District Ambala, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

18.08.2022

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(SUVIR SEHGAL)
JUDGE

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