

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M-17466 of 2019
Date of decision:22.09.2022

Rajiv Kumar and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munish Kumar Garg, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Sunil Kumar Goswami, Advocate
for 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.60 dated 29.01.2015 registered for offences under Sections 498, 323, 406, 506 of Indian Penal Code, 1860, at Police Station Jind City, District Jind (Annexure P-1), alongwith all consequential proceedings arising therefrom, on the basis of panchayati compromise dated 09.05.2018 (Annexure P-3).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 28.02.2008 at Jind and a son was born out of the wedlock. Counsel submits that due to

temperamental differences, parties could not pull along and have been living separately since September, 2013. He submits that FIR (Annexure P-1), is fallout of a marital discord, which has been settled by virtue of panchayati compromise (Annexure P-3). He submits that in terms of the settlement, marriage has been dissolved by judgment and decree passed on 29.11.2018 (Annexure P-10). Still further, he submits that all the terms of the compromise have been complied with, an amount of Rs.4.50 lacs has been paid and a plot measuring 150 square yards has been transferred in the name of the complainant-respondent No.2 vide sale deed, Annexure P-8. He submits that all litigation pending *inter se* parties has been withdrawn except for an FIR, which has been quashed by an order passed on even date.

Upon instructions received from ASI Rajbir, State counsel submits that although there were number of persons were named as accused, but on conclusion of investigation, final report has been presented against the two accused-petitioners. Still further, she submits that charge has been framed and prosecution evidence is underway.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as statement made by counsel for the petitioners. He submits that in terms of the compromise, custody of the minor child is with the complainant-respondent No.2.

Heard counsel for the parties.

Vide order dated 03.09.2019, this Court directed the parties to appear before the Area Magistrate for recording of their statements and a report was called for regarding genuineness of the compromise.

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

1. Both the petitioner/accused i.e. Tilak Ram and Rajiv Kumar appeared before the Court of undersigned on 16.09.2019 to get their statement recorded. Complainant/respondent No.2-Poonam Devi and her father-Ishwar Singh appeared on 18.09.2019 to get their statement recorded.

2. The separate statements of complainant-Poonam Rani and her father-Ishwar Singh and joint statement of accused-Tilak Ram and Rajiv Kumar recorded qua the compromise as per the directions of Hon'ble High Court. The statements were recorded after ensuring that the parties to the case were deposing voluntarily and without any pressure, coercion or undue influence. The parties have stated that they have compromised the matter voluntarily vide a panchayati settlement dated 09.05.2018 (copy Mark-A). The parties have duly identified by their counsels. It transpires that the alleged compromise is free from any undue influence or pressure. The complainant seems to have expectations from the accused that the accused will also help the complainant party to get an another FIR No.863/2017, P.S.City, Jind quashed from the Hon'ble High Court of Punjab & Haryana in pursuance of the Panchayati settlement dated 09.05.2018.”

It is evident from the above that FIR (Annexure P-1), is an outcome of a matrimonial dispute, which has been settled amicably.

In view of 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 hesitation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.60 dated 29.01.2015 registered for offences under Sections 498, 323, 406, 506 of Indian Penal Code, 1860, at Police Station Jind City, District Jind (Annexure P-1) alongwith all consequential proceedings are quashed qua the petitioners.

September 22, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes