

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(239-2)

CRM-M-23468-2021
Date of Decision:- 08.03.2022

Vinod Kumar @ Vinnie Beniwal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Kumar Verma, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana
for respondent No.1-State.

Mr. Munish Raj Chauhdary, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.237 dated 11.04.2009, registered for offences under Sections 498-A, 406, 506, 323 and 34 of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 20.04.2021, Annexure P-6, arrived at between the parties as well as affidavits dated 20.04.2021, Annexures P-7 and P-8, respectively, executed by the parties.

Counsel for the petitioner submits that the marriage of petitioner was solemnized with complainant-respondent No.2 on 09.03.1989 and the

parties cohabited together at their matrimonial home in District Sirsa, where they were blessed with a daughter, who unfortunately expired. Counsel submits that the parties could not adjust with each other and parted ways. He submits that the petitioner left for Australia and is residing there. By referring to the compromise, Annexure P-6, counsel submits that the marital dispute between the parties has been settled, marriage has been dissolved by virtue of judgment and decree dated 08.11.2021 and the petitioner has paid a permanent alimony of ₹22 lacs to the complainant-respondent No.2. Still further, he submits that the petitioner has been declared as a proclaimed offender, vide order dated 20.07.2010, which has been set aside by this Court in a connected petition, CRM-M-23642-2021, vide an order passed on even date. He submits that the parties have appeared before the Trial Court pursuant to order passed by this Court and their statements have been recorded in support of the compromise

Upon instructions received from ASI, Jagmeet Singh, State counsel submits that as the petitioner was declared a proclaimed offender, after investigation, final report has been presented against the in-laws of the complainant, who have been tried and acquitted vide judgment dated 08.05.2015. An appeal against the said judgment has been dismissed.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as the statement made by the counsel for the petitioner and he does not have any objection in case the FIR is quashed in view of the settlement.

Heard counsel for the parties.

Vide order dated 08.07.2021, this Court directed the parties to appear before the Trial Court and get their statements recorded regarding the compromise and a report was called for. Report has been received from the Trial Court and its relevant extract reads as under:-

“From the statements as well as oral examination of parties, this Court is of the opinion that the matter in question has been compromised between the petitioner/accused, Vinod Kumar @ Vinnie Beniwal and wife, i.e., respondent/complainant, Saroj Bala without any fear, coercion, inducement or threat. It further reveals that the said compromise between them is voluntary and effected with free will of the said parties concerned. It is further very imperative to mention here that the said Saroj Bala had categorically denied any compromise with another accused, namely, Laxman Beniwal, in the said FIR and accused, Laxman Beniwal, also stated that he or anyone else on his behalf was not party in the compromise negotiations, being arrived at between his brother, Vinod Kumar @ Vinnie Beniwal, and his wife, Saroj Rani.”

FIR is an outcome of a matrimonial dispute, which has been settled, the marriage between the parties has been dissolved and the parties have decided to give a quietus to the dispute. The order declaring the petitioner as a proclaimed offender has been set aside.

Keeping in view the judgments of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543, Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641 and Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that continuation of the criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.237 dated 11.04.2009, registered for offences under Sections 498-A, 406, 506, 323 and 34 of the Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

08.03.2022
Kamal

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