

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(308)

CRM-M-23445-2022-
Date of Decision:- 05.12.2022

Ram Bhagat and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Singh Rana, Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana for State-respondent No.1.

Ms. Varsha Sharma, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 26.05.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.78 dated 03.10.2016 under Sections 34, 406, 498-A and 506 of IPC, 1860, registered at Women Police Station, Jind, Annexure P-1, along with all consequential proceedings arising therefrom including final report dated 07.11.2016, Annexure P-2, on the basis of compromise deed, Annexure P-3.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of the complainant/respondent No.2. He submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial issue, which has been resolved by virtue of compromise, Annexure P-3, and the couple is staying together.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State. As per instructions received by her from L/ASI Geeta, she submits that challan has been presented and charge has been framed against both the petitioners.

Ms. Varsha Sharma, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed her Vakalatnama in Court, which is taken on record. She admits the factum of compromise and does not dispute the statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 11.07.2022 or on any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 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 of Area Magistrate/Trial Court be awaited for 18.08.2022.”

Pursuant to the above reproduced order, report has been received from the Trial Court and its relevant extract is as under:-

“From the statement of the parties including complainant, accused and IO, I am satisfied that the compromise entered between the parties is genuine, voluntary and without any coercion or undue influence. The compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. The case is at the stage of prosecution evidence. The challan has been presented against accused Ram Bhagat and Savitri Devi. Wazir and Sushil were named in FIR, but the challan has not been filed against them as they were found innocent by the police. Accused Ram Bhagat and Savitri Devi have been charged under Section 498-A, 406, 506 read with Section 34 IPC. As per IO, accused in the present case are Ram Bhagat and Savitri Devi. No accused is absconding/PO in the present case. The complainant is Kanta and there is no other injured or victim. No other case is pending against present accused.”

Reply by way of an affidavit of Deputy Superintendent of Police, Jind-Headquarters, District Jind has been filed on behalf of State-respondent No.1, which is taken on record.

Keeping in view the fact that the matrimonial dispute has been amicably settled and couple is living together, this Court is of the view that keeping the criminal proceedings alive will not serve any purpose.

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 has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.78 dated 03.10.2016 under Sections 34, 406, 498-A and 506 of IPC, 1860, registered at Women Police Station, Jind, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

05.12.2022
Kamal

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