

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(149+325)

CRM-M-24032-2022 (O&M)-
Date of Decision:- 29.11.2022

Harsh Taneja

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Gulia, Advocate for the applicants-petitioners.

Mr. Rajat Gautam, DAG, Haryana for State-respondent No.1.

Mr. Parvesh Jaglan, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-43037-2022

Application is allowed as prayed for.

Judgment and decree dated 31.10.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure A-1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.45 dated 18.07.2019, registered for offences under Sections 498-A, 406, 313, 323, 354, 506 and 34 of the Indian Penal Code, 1860, at Women Police Station, District Sonapat, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.05.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the petitioner was married to complainant-respondent No.2 on 20.07.2015 at Sonapat and a son was born out of the wedlock. He submits due to temperamental differences, the marriage fell apart and FIR, Annexure P-1, was registered at the instance of respondent No.2. Counsel submits that the matrimonial dispute has been settled by virtue of compromise, Annexure P-2, petitioner has paid the entire permanent alimony of Rs.18 lacs and marriage has been dissolved by judgment and decree, Annexure A-1. Still further, by making a reference to the judgment, Annexure A-1, he submits that the custody of the minor is with complainant-respondent No.2 and visitation rights has been given to the petitioner.

Upon instructions received from L/ASI, Seema Rani, State counsel submits that the trial is underway, though no prosecution witness has been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 30.05.2022, 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:-

“It is humbly submitted that in the abovementioned FIR name of complainant is Neha Taneja daughter of Sh. Sushil Kumar and accused namely Harsh Taneja son of Sh. Ashok Kumar Taneja has been arrayed in the present case. Further statement of complainant Neha Taneja and accused Harsh Taneja has been recorded.

Challan has been filed in the present case. Case is pending for prosecution evidence. The parties appeared and got recorded their statements of compromise. As per statement of Investigating Officer SI Usha Belt No.401/SPT, posted at Women Police Station Sonapat except accused Harsh Taneja son of Sh. Ashok Kumar Taneja there is no other person involved in the present case as accused and no accused has been declared as proclaimed person/offence in the present case. No other case was pending/registered against accused as per statement of investigation officer SI Usha. On the basis of statement of parties, I am satisfied that compromise between parties is genuine and it is without any undue influence or coercion.”

It is evident that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been amicably settled and the parties have gracefully parted ways.

Keeping in view 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 ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court does not have any hesitation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.45 dated 18.07.2019, registered for offences under Sections 498-A, 406, 313, 323, 354, 506 and 34 of the Indian Penal Code, 1860, at Women Police Station, District Sonapat, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

29.11.2022
Kamal

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