

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(257)

CRM-M-28203-2021
Date of Decision:- 26.04.2022

Sandeep Bansal and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajit Kumar Sharma, Advocate for
Mr. Naresh Kumar Ganga, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. Mukul Singla, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 03.12.2021, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.301 dated 25.04.2017 under Sections 323, 34, 406, 498-A and 506 IPC, 1860, registered at Police Station Sirsa City, District Sirsa, Haryana, Annexure P- 1, along with all consequential proceedings arising therefrom, on the basis of compromise.

Counsel for the petitioners submits that petitioners No.2 and 3 are parents of petitioner No.1, who was married to complainant/respondent No.2 on 17.11.2015, however, due to differences between the two, they started residing separately from September, 2016 and a spate of litigation ensued between them. He submits that the disputes between the parties have been settled, the complainant/respondent No.2 has received a permanent alimony of Rs.14 lacs and it has been agreed that the custody of the minor son will remain with respondent No.2 till the time he attains the age of majority. A specific reference has been made by counsel for the petitioners to the judgment dated 12.04.2021, Annexure P-2, whereby the marriage between the parties has been dissolved by mutual consent.

State counsel has filed reply by way of an affidavit of Superintendent of Police (HQ), Sirsa on behalf of respondent No.1-State. Upon instructions from L/ASI Raj Kaur, she submits that challan has been presented, charge has been framed and 07 out of 10 prosecution witnesses have been examined.

Mr. Mukul Singla, Advocate has put in appearance on behalf of complainant/respondent No.2 and filed his Power of Attorney. He admits the factum of compromise as well as the statement of counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 07.02.2022 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court 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 Illaqa Magistrate/trial Court be awaited for 26.04.2022.”

Report has been received in compliance of the above reproduced order and its relevant extract is as under:-

“In respect of the first information as sought by the Hon'ble High court, it is submitted that three persons, namely Sandeep Bansal, Prem Bansal and Pushpa, have been arrayed as accused in the present proceedings and all of them have appeared before this Court and made their statement. It is further submitted that in pursuance of directions of Hon'ble High Court, statement of IO was also recorded, wherein he submitted that in this case challan against accused Sandeep Bansal, Pushpa and Prem Bansal was submitted and as per record, none of the aforesaid accused is Proclaimed Offender.

In respect of second information as sought by the Hon'ble High Court, it is submitted that in this case complainant, Niharika Bansal, is only aggrieved person who has made her statement in support of compromise.

As far as third information as sought by Hon'ble High Court, it is submitted that the present case is fixed for prosecution evidence before this Court.

As far as the fifth information as sought by the Hon'ble High Court is concerned, it is submitted that no other proceedings are pending against the accused/petitioners in the Court of the undersigned. As far as the any other proceedings are concerned, it is submitted that in pursuance of the directions given by the Hon'ble High Court, the undersigned directed the accused persons to submit their respective affidavit stating therein that whether any proceedings are pending against them in any other Court or not and in pursuance of that direction, all the accused persons filed their respective affidavit to the effect that they are not involved in any other criminal case."

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been resolved, and the marriage of petitioner No.1 with respondent No.2 has been dissolved.

Keeping in view the judgments of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and the same deserves to be set aside.

Accordingly, the petition is allowed. FIR No.301 dated 25.04.2017 under Sections 323, 34, 406, 498-A and 506 IPC, 1860, registered at Police Station Sirsa City, District Sirsa, Haryana, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

26.04.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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