

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

239

CRM-M-24725-2022

Date of decision:21.12.2022

Dharmender Verma and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Singh, Advocate for
Mr. Munish Mittal, Advocate for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Mr. Abhishek Jindal, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.243 dated 11.09.2016 under Sections 294, 323, 354, 354-D, 406, 498-A and 506 of IPC, 1860, registered at Police Station Kunjpura, District Karnal, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 15.02.2022, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 02.07.2014 and a son was born out of the wedlock. He submits that due to temperamental differences, they started living separately since November, 2015. By referring to compromise, Annexure P-2, counsel

submits that the matrimonial dispute has been settled, marriage has been dissolved by judgment and decree, Annexure P-4. Still further, by referring to judgment, Annexure P-4, he submits that the custody of the minor child is to remain with complainant/respondent No.2 and it has been agreed that the petitioners will not claim his custody.

Upon instructions from SI Subhash, State counsel submits that prosecution evidence is underway.

Counsel for complainant/respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 01.06.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

“Accused Dharmender Verma made statement to the effect that he has compromised the matter with Anjali, they both opted for mutual divorce, compromise is voluntary, without any pressure, the case may be finished. Accused Santosh Verma and Pawan Kumar Verma made statement to the effect that the matter has been compromised with the complainant Anjali, no dispute remains between them, compromise is voluntary, without any pressure, the case may be finished. The complainant Anjali appeared in person and made statement that the matter has been compromised with Dharmender Verma, Pawan Kumar, Santosh Verma, compromise is voluntary, without any pressure, the petition for divorce by mutual consent is pending before the learned Family Court, Karnal, there is no objection if the case is finished. The investigation officer appeared and made statement that there are three accused- Dharmender Verma, Pawan Kumar Verma, Santosh Verma in the instant FIR; none of them has been declared as proclaimed offender; there is one complainant Anjali ; there is no other

FIR pending against accused persons. The compromise between the parties is genuine, voluntary, without any undue influence.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and the parties have parted ways. Keeping in view the above development, report of the trial court and judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose.

Accordingly, petition is allowed. FIR No.243 dated 11.09.2016 under Sections 294, 323, 354, 354-D, 406, 498-A and 506 of IPC, 1860, registered at Police Station Kunjpura, District Karnal, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

21.12.2022

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(SUVIR SEHGAL)
JUDGE

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