

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

283+125

CRM-M-27535-2021 (O & M)
Date of decision:10.11.2022

Varun Gul Bhavnani

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pulkit Goyal, Advocate for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

Mr. Tanvir S. Grewal, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-42038-2022

Application is allowed as prayed for.

Judgment and decree dated 21.09.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-8.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.322 dated 05.10.2017 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Gurgaon, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that petitioner is the husband of respondent No.2. He submits that marriage of petitioner was solemnized with respondent No.2 on 07.12.2013 at New Delhi and there is no issue out of the wedlock. He submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled by way of compromise, Annexure P-3, arrived at before the Mediation Centre, Gurugram. By referring to the terms of the compromise, counsel submits that the petitioner has paid the entire permanent alimony of Rs.21 lac and marriage has been dissolved by judgment and decree, Annexure P-8.

Upon instructions, State counsel submits that final report has been presented on conclusion of investigation.

Counsel for respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 29.11.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for, which has been received and its relevant extract is as under:-

“3. Complainant Sarita Narang and Accused Varun Gul Bhavnani have appeared for getting recorded their statements before this court on 19.01.2022. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR, with their free will and volition and without any pressure. Today, The Investigating Officer has also appeared and stated that there is no proclaimed person in this case.

4. It is submitted that I am satisfied that the matter has been settled between Complainant

Sarita Narang and Accused Varun Gul Bhavnani amicably/voluntarily without any pressure or coercion and the compromise appears genuine on the face of record. Also, there is no Proclaimed Offender/Person in this case. The case is still at the stage of framing of charge.”

An examination of the material placed on the record shows that the FIR, Annexure P-1, has emanated from a marital discord, which has been amicably settled. Parties have decided to bury the hatchet and lead a peaceful life after getting a divorce. Keeping in view the above development, report of the trial court and the judgment of the Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is inclined to accept the prayer made in the petition.

Accordingly, petition is allowed. FIR No.322 dated 05.10.2017 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Gurgaon, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

10.11.2022
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(SUVIR SEHGAL)
JUDGE

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