

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

236+112

CRM-M-47393-2018 (O & M)

Date of decision:22.07.2022

Ankur Sachdeva and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bharat Bhushan Sharma, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. M. K. Bali, Advocate for

Mr. Sajid Waseem, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-24832-2022

Allowed as prayed for.

Judgment and decree dated 16.03.2019 dissolving the marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-6.

Main Case

At the outset, counsel for the petitioners submits that as petitioners No.2 to 4 have been found innocent, he seeks and is granted permission to withdraw the petition qua them.

Dismissed as withdrawn insofar as petitioners No.2 to 4 are concerned.

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.560 dated 25.09.2016 under Sections 498-A, 323 and 406 of IPC, 1860, registered at Police Station City Bahadurgarh, District Jhajjar, Annexure P-1, on the basis of compromise.

Counsel for the petitioners submits that marriage of petitioner

No.1 was solemnized with the complainant/respondent No.2 on 17.01.2016 and a daughter was born out of the wedlock. He submits that due to temperamental differences, parties could not pull along and have been living separately since 19.07.2016. He submits that the matrimonial dispute has been settled by virtue of compromise, which is reflected in the petition filed under Section 13-B of the Hindu Marriage Act, 1955, as well as in the statements of the parties recorded before the Family Court. Still further, he submits that marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-6. By referring to the opening paragraph of the judgment, Annexure P-6, he submits that the custody of the child has been given by the parents to the Child Welfare Committee, Jhajjar.

Upon instructions from ASI Wazir Singh, State counsel submits that although all the four petitioners were named as accused but on conclusion of investigation, *challan* was presented against petitioner No.1 alone and charge has been framed against him under Sections 498-A and 406 of IPC. As per her instructions, no prosecution witness has been examined.

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

Heard counsel for the parties.

Vide order dated 14.10.2019, this Court directed the parties to appear before the Trial Court and get their statements recorded in support of the compromise. A report was called for, which has been received and its relevant extract is reproduced as under:-

“(a) Whether the compromise is genuine and voluntary and without any coercion or undue influence.

In this regard, it is submitted that as per the

satisfaction of the undersigned, the compromise as effected between the parties is not the result of any pressure or coercion in any manner. All the parties have suffered their separate statements regarding the compromise voluntarily.

(b) Whether any accused is proclaimed offender.

In this respect, it is submitted that report from SHO, Police Station City, Bahadurgarh was sought on 24.10.2019 and the same was filed on 07.11.2019. As per SHO report, none of the petitioner is declared proclaimed offender.”

It is apparent that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled and marriage has been dissolved.

In view of the above facts, report of the trial court as well as the judgments of the Supreme Court in *Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court is of the opinion that continuation of the criminal proceedings would be an exercise in futility.

Accordingly, petition is allowed. FIR No.560 dated 25.09.2016 under Sections 498-A, 323 and 406 of IPC, 1860, registered at Police Station City Bahadurgarh, District Jhajjar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua petitioner No.1.

22.07.2022

(SUVIR SEHGAL)

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JUDGE

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