

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26288 of 2022 (O&M)

Date of decision:28.09.2022

Nitin Kalra and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhimanyu Kalsy, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Arjun Kundra, Advocate for
Mr. Atul Goyal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.37102 of 2022

Application is allowed as prayed for.

Annexures P-8 to P-10 are taken on record, subject to all just
exceptions.

CRM-M-26288 of 2022

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 for quashing of FIR No.0165 dated 30.12.2019
registered for offences under Sections 313, 34, 377, 498-A, 506 of Indian
Penal Code, 1860, at Women Police Station, Gurgaon, District Gurgaon

(Annexure P-1), alongwith all consequential proceedings arising therefrom, on the basis of memorandum of settlement dated 30.05.2022 (Annexure P-5).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law and petitioner No.3 is the brother-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 11.06.2014 at Gurgaon and there is no issue out of the wedlock. He submits that due to irreconcilable differences, parties could not adjust with each other and have been residing separately since 14.06.2014. Counsel submits that FIR (Annexure P-1), which is an outcome of a matrimonial dispute, has been finally settled vide compromise (Annexure P-5) and in terms thereof, marriage has been dissolved by judgment and decree dated 28.02.2022 (Annexure P-10). Counsel submits that entire permanent alimony of Rs.15.00 lacs has been paid to the complainant-respondent No.2.

Upon instructions received from L/ASI Anita, State counsel submits that although four persons were named as accused, but on conclusion of investigation, final report has been presented against the three accused-petitioners, who are on bail. She submits that offences under Sections 313, 377 IPC have been dropped and charge has been framed against the petitioners for the remaining offences, though no prosecution witness has been examined. She has further instructions to state that none of the petitioners have been declared as Proclaimed Offender.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise, dissolution of marriage and acknowledges that entire permanent alimony has been received.

Heard counsel for the parties.

Vide order dated 13.06.2022, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for regarding genuineness of the compromise. Report has been received and its relevant extract is as under:-

“In furtherance of the said directions statements of parties viz of complainant Yukti and of accused Nitin Kalra, Chander Kanta Kalra & Jatin Kalra, duly identified were recorded. It has been verified that both the complainant and accused persons have agreed to compromise voluntarily without any coercion and the compromise entered into between the parties is genuine. The statement of the complainant is subject to the payment of remaining Rs.5 lakh by accused as promised.”

It has been admitted by counsel representing the private parties that balance amount of Rs.5.00 lacs has been paid and as such entire permanent alimony has exchanged hands.

It is evident from the above that FIR (Annexure P-1) is fallout of a matrimonial dispute, which has been settled amicably and marriage has been dissolved.

In view of the above backdrop, report of the Trial Court and the judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, instant petition is allowed. FIR No.0165 dated 30.12.2019 registered for offences under Sections 313, 34, 377, 498-A, 506 of Indian Penal Code, 1860, at Women Police Station, Gurgaon, District Gurgaon (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioners.

September 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes