

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(304)

CRM-M-29246-2022-
Date of Decision:- 06.12.2022

Tarun Rohilla and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sunil Kumar Rana, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana for State-respondent No.1.

Mr. Vipul Goel, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 14.07.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.50 dated 25.09.2020 under Sections 313, 323, 34 and 498-A of IPC, 1860, registered at Women Police Station Bahadurgarh, District Jhajjar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of agreement/settlement dated 04.09.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is mother-in-law and petitioner No.3 is sister-in-law of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 08.03.2019 and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties could not live together and separated in April, 2020. Counsel submits that matrimonial dispute has been compromised by settlement, Annexure P-2, and marriage has been dissolved vide judgment dated 28.10.2021, Annexure P-3, and decree has been passed in pursuance thereto. Counsel submits that in terms of the compromise, Rs.2 lac has been paid as permanent alimony and the balance amount of Rs.1 lac has to be paid at the time of recording of statement in support of the instant petition. He has placed reliance upon the judgment of a Co-ordinate Bench of this Court in Surinder Singh Versus State of Punjab 2008 (6) RCR (Criminal) 864.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State. As per instructions received by her from L/ASI Poonam, she submits that 06 persons were named as accused in the FIR, Annexure P-1, but challan has been presented against 03 petitioners. She submits that charge has not been framed so far. Mr. Vipul Goel, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Memorandum of Appearance in Court, which is taken on record. He admits the factum of compromise and does not controvert the statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 08.09.2022 or on any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 Area Magistrate/Trial Court be awaited for 16.11.2022.

In the meanwhile, petitioners will correct the sequence of pages of Annexure P-3.”

Counsel for the petitioners submits that sequence of paper-book has been corrected and in terms of the compromise, petitioner has paid the balance amount of Rs.1 lac to the complainant-respondent No.2 at the time of recording of statements in support of the compromise.

Counsel representing complainant-respondent No.2 has admitted this fact.

Heard counsel for the parties.

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

“In the considered opinion of this Court, the parties have voluntarily suffered their respective statements and have compromised the matter without any undue influence, coercion or pressure.

On the basis of statement of I.O., it is further reported that:-

- 1. Only Rajesh, Tarun and Bhawna are the accused in the present case.*
- 2. The accused persons have not been declared proclaimed person/offender by the Court of undersigned in any case till date.*
- 3. No other criminal case is pending against the accused persons.”*

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

Keeping in view the above developments, report of the Trial Court and the judgments of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** 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 be a futile exercise.

Accordingly, the petition is allowed. FIR No.50 dated 25.09.2020 under Sections 313, 323, 34 and 498-A of IPC, 1860, registered at Women Police Station Bahadurgarh, District Jhajjar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

06.12.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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