

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(324)

CRM-M-29967-2022-
Date of Decision:- 30.11.2022

Meenu

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashok K. Sharma Bhana, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana for State-respondent No.1.

Mr. Kratin Kumar, Advocate for

Mr. Dhruv Kaushik, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 14.07.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0356 dated 03.08.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Sampla, District Rohtak, Annexure P-1, as well as charge sheet under Sections 498-A and 406 read with Section 34 of IPC, Annexure P-2, along with all subsequent proceedings arising therefrom, on the basis of compromise by way of affidavit dated 01.06.2022, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2 on 22.11.2015 and there is no issue out of the wedlock. He submits that due to misunderstanding between the parties, a matrimonial dispute arose and FIR, Annexure P-1, is its fallout. Counsel submits that the dispute has been settled by a compromise as is apparent from the affidavit, Annexure P-3, executed by the complainant. Still further, he submits that marriage has been dissolved by mutual consent vide judgment and decree dated 31.05.2022, Annexure P-4.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice of behalf of State-respondent No.1. Upon instructions received from SI, Anup, she submits that four persons were named as accused, but challan has been presented against the husband-petitioner and charge has been framed. Still further, she submits that prosecution evidence is underway.

Mr. Dhruv Kaushik, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Power of Attorney, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 15.09.2022 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 the Area Magistrate/Trial Court be awaited for 15.11.2022.”

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

- “1. Four persons were named in FIR i.e. Meenu, Parwati, Virender and Naresh. During investigation, three of them were declared innocent and challan was filed only against one person namely Meenu. He has made statement before Court. The accused Meenu has not been declared proclaimed offender by any Court of law. Infact no other case, of any kind is pending against him.*
- 2. Complainant in this case is Renu. She is the only injured/aggrieved. She has appeared in Court and has given statement qua compromise.*

3. *The case is at the stage of prosecution evidence. So far five witnesses have already been examined including the complainant/victim.*
4. *The compromise effected between the parties is genuine, voluntary and out of free will of parties.*
5. *No other criminal case is pending against the accused Meenu.”*

It is apparent that FIR, Annexure P-1, is a result of marital discord, which has been amicably settled and marriage has been dissolved by mutual consent.

Keeping in view the above developments, report of the Trial Court and the judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai 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 be a exercise in futility.

Accordingly, the petition is allowed. FIR No.0356 dated 03.08.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Sampla, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

30.11.2022
Kamal

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