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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-33242-2021 (O&M)
Date of decision-09.05.2022**

Pawan Kumar Garg and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Kumar Verma, Advocate,
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. Rinky Gupta, Advocate,
for respondents No.2 to 4.

SUVIR SEHGAL, J. (ORAL)

CRM-5181-2022

Application is allowed as prayed for.

Judgment and decree dated 03.01.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-9.

CRM-M-33242-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No.363 dated 27.06.2019 registered for offence under Sections 307, 34, 354, 354-D, 377, 406, 498-A and 506 of Indian Penal Code, 1860 at Police Station City Sirsa, District

Sirsa (Annexure P-1) on the basis of compromise dated 06.08.2021 and affidavits dated 09.08.2021 (Annexure P-2 to P-5).

Counsel submits that petitioner No.1 was married to respondent No.3 on 10.02.2019 and petitioners No.2 to 5 are the relatives of petitioner No.1. He submits that as the couple could not get along, FIR Annexure P-1 was registered by respondent No.2 who is the father of respondent No.3. Counsel urges that Section 307 IPC is not attracted as there is no allegation of inflicting any injury on the victim rather it has been alleged that the accused did not administer timely medication to respondent No.3, thereby putting her life in danger. Still further, it is his submission that the other allegations are absolutely false. Counsel submits that the matrimonial dispute between the parties has been resolved, compromise Annexure P-2 has been entered into, marriage has been dissolved vide judgment and decree Annexure P-9 and the entire amount of permanent alimony has been paid to respondent No.3.

Upon instructions from ASI Krishan Kumar, State counsel submits that upon conclusion of investigation, challan has been presented but charge has not been framed.

Counsel for complainant-respondent No.2 has admitted the factum of compromise and does not dispute the submission of the counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 17.01.2022, this Court directed the parties as well as the Investigating Officer to appear before the trial Court and a report was called for on the following aspects:-

- “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.”*

After recording the statements, the trial Court has submitted a report, relevant extract of which is as under:-

- “1. Five accused have been arraigned in the present FIR and all of them have appeared and as per the I.O. Concerned, no accused is absconding/P.O. in the case.*
- 2. The name of Complainant is Tejinder Kumar and aggrieved persons are Vidushi and Neeru. All of them appeared and their statements have been recorded separately.*
- 3. The present case is at the stage of appearance of parties, after filing of the challan.*
- 4. The compromise is genuine, voluntary and out of free will of parties.*
- 5. As per LO. concerned, no other criminal case is pending against the accused.”*

FIR (Annexure P-1) has emanated from a matrimonial dispute, which has been settled and marriage has been dissolved by mutual consent. In view of this background as well as the report of the trial Court and the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai***

Bhimsinghbhai Karmur and others Versus State of Gujrat and another
(2017) 9 SCC 641, this Court has no hesitation in setting aside the criminal proceedings.

Petition is allowed. FIR No.363, dated 27.06.2019 (Annexure P-1) lodged under Sections 307, 34, 354, 354-D, 377, 406, 498-A and 506 of Indian Penal Code, 1860 at Police Station City Sirsa, District Sirsa and all subsequent proceedings arising therefrom are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

09.05.2022
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No