

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

281+122

CRM-M-33780-2021 (O & M)
Date of decision:29.10.2022

Pranav Sharma and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amitabh Tewari, Advocate and
Mr. Shivam Sharma, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Tanmoy Gupta, Advocate for
Mr. Gaurav Kashyap, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-35884-2022

Application is allowed as prayed for.

Annexures A-1 to A-3 are taken on record.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.53 dated 21.07.2020 under Sections 313, 323 and 498-A of IPC, 1860, (later while filing the challan Section 313 was deleted and Sections 406 and 34 of IPC were added) registered at Police Station Women, District Gurugram, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of

MOU/settlement dated 16.09.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is mother-in-law of complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 08.11.2019 at Karnal and there is no issue out of the wedlock. He submits that due to temperamental differences, parties could not live together and FIR, Annexure P-1, has been registered as a result of a marital discord between them. He submits that the matrimonial dispute has been settled by MOU/settlement, Annexure P-2, and marriage has been dissolved by judgment and decree, Annexures A-1 and A-2 respectively, passed by mutual consent. Counsel submits that the entire permanent alimony of Rs.17 lac has been paid and all issues have been settled.

Upon instructions from SI Saroj Bala, State counsel submits that charge has not been framed.

Counsel for the complainant/respondent No.2 admits the factum of compromise and receipt of the entire permanent alimony and does not have any objection, in case FIR is quashed.

Heard counsel for the parties.

Vide order dated 31.05.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for regarding the genuineness of the compromise.

Report has been received and its relevant extract is reproduced as under:-

“1. Perusal of the complaint reflects that initially there were three accused arraigned in the FIR. However, charge sheet was filed only against two accused namely Pranav Sharma and Anne Robinson.

Both accused Pranav Sharma and Anne Robinson have entered appearance before this court and have submitted that no other case is pending against them and they have not declared proclaimed person. Their version is verified by the IO Concerned.

2. Complainant Shatabdi Dutta has entered appearance before this court and submitted that she is the sole complainant in the present matter and there is no other injured or aggrieved.

3. Charge sheet in the present matter has (been) filed and case is listed for supplying copy of challan to the accused persons.

4. In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

5. Accused persons have stated that no other criminal case (is) are pending against them. Their version is verified through IO. Separate statement of the IO in this regard recorded.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which is purely personal in nature and has been amicably settled. Keeping in view the fact that marriage between the parties also stands dissolved, report of the trial court as well as the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the opinion that keeping the criminal proceedings alive will not achieve any purpose and setting them aside will enable the parties to lead a peaceful life.

Accordingly, petition is allowed. FIR No.53 dated 21.07.2020

under Sections 313, 323 and 498-A of IPC, 1860, (later while filing the challan Section 313 was deleted and Sections 406 and 34 of IPC were added) registered at Police Station Women, District Gurugram, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

29.10.2022

(SUVIR SEHGAL)
JUDGE

sheetal

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