

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

125+268

CRM-M-36789 of 2021 (O&M)

Date of decision:26.05.2022

Ashish Kumar Vashisth

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Punit Malik, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Manish Dhankhar, Advocate for
Mr. Paramjit Phour, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.6783 of 2022

Application is allowed as prayed for.

Judgment and decree dated 06.12.2021 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-M-36789 of 2021

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.0181 dated 09.09.2016 registered under
Sections 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Women Police
Station, Gurugram, District Gurgaon (Annexure P-1) and all consequential

proceedings arising therefrom, on the basis of joint statement dated 28.01.2021 (Annexure P-2) recorded before the Trial Court under Section 13-B of Hindu Marriage Act, 1955.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 27.02.2009 and a son was born out of the wedlock. He submits that due to temperamental differences, parties have been residing separately since June, 2016 and due to marital discord, spate of litigation ensued between the parties. Counsel submits that dispute between the parties has been settled by virtue of settlement entered into on 18.01.2021 at the Mediation Centre, Gurugram, whereby, it has been agreed that all the litigation between the parties shall be withdrawn, marriage will be dissolved by mutual consent and decision regarding custody of the child has also been taken. Counsel submits that in deference to order passed by this Court, statements of the parties have been recorded and a report, alongwith copy of settlement dated 18.01.2021, has been sent by the Trial Court.

Upon instructions from ASI Anita, State counsel submits that three persons were named as accused, but on completion of investigation, challan has been presented and charge has been framed against the petitioner alone. Still further, she submits that prosecution evidence is underway.

Counsel representing the complainant-respondent No.2 has admitted the factum of settlement as well as the fact that all the belongings and ornaments have been exchanged amongst the parties.

Heard counsel for the parties.

Vide order dated 07.09.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and get their statements recorded. A report was called for from the Court concerned regarding the genuineness of the compromise and also as to whether PO proceedings are pending against any of the parties. Report has been received and its relevant extract is as under:-

“1. This Court is convinced that the compromise between the complainant Sonu Sharma and the accused Ashish Kumar Vashisht is genuine and valid, as it is not the result of any undue influence or pressure in any manner. The complainant and the accused have maintained uniformity in regard to the validity of compromise. The respective affidavits of the complainant and accused (Ex.C2 and Ex.C4) on record further give momentum to the validity and authenticity of the compromise.

2. With regard to the point as to whether any PO proceedings are pending against any of the party, it is submitted that the facts and circumstances of the present case along with the statement on oath of the accused and complainant and duly sworn affidavit filed by the accused and complainant as well as the statement of the concerned Investigating Officer recorded before this Court, signify that the proceedings of proclaimed person or proclaimed offender are not pending against any of

the party to the petition.”

It is evident that FIR (Annexure P-1) is an offshoot of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent.

In view of the above, report of the Trial Court as well as judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** , **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482**, as well as judgment of Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this Court is of the opinion that continuation of criminal proceedings would be a futile exercise, rather ends of justice would be met in case they are set aside.

Accordingly, the petition is allowed. FIR No.0181 dated 09.09.2016 registered under Sections 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Women Police Station, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 26, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>