

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

261

CRM-M-34285-2020

Date of decision:11.07.2022

Ritesh Sharma and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Roja Agnihotri, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ambanshu Sahni, Advocate
for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.384 dated 25.12.2019 under Sections 323, 406, 498-A, 506 and 34 of IPC, 1860, registered at Police Station Parao, Ambala Cantt., Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise effected between the parties in pursuance of divorce petition filed under Section 13-B of the Hindu Marriage Act, 1955.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 to 5 are the members of the in-laws family of complainant/respondent No.2. She submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 12.10.2018 at Ambala and there is no child out of the wedlock. She submits that due to temperamental differences, the parties could not adjust with each other

and have been living separately since 28.01.2019. As per the counsel, all the disputes have been settled by virtue of compromise as is reflected from the petition, Annexure P-2, and petitioner No.1 has paid Rs.3 lac by way of permanent alimony to the complainant/respondent No.2. Counsel has placed on record a copy of the judgment and decree dated 16.12.2020, (taken on record as Mark 'A') to submit that marriage has been dissolved by mutual consent and a decree under Section 13-B of the Hindu Marriage Act, 1955, has been passed.

Upon instructions from ASI Ram Karan, State counsel submits that upon conclusion of investigation, *challan* has been presented against all the petitioners, but charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise, divorce as well as the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 28.10.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded in support of the compromise and a report was called for on the following counts:-

- “1. Number of persons arrayed as accused in FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other case or not;*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

After the recording of the statements of the parties, report has been sent, relevant extract of which is reproduced as under:-

“In view of the joint statement made by the parties and statement of Investigating Officer/ASI Dharam Pal, No.270, P.S. Parao, Ambala, this Court is of the considered view that parties have got their statement recorded voluntarily without any undue influence or coercion. As per the joint statement of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and moreover, the accused have never been declared as proclaimed offender/person and no other criminal case is pending against the accused persons and no other person is involved in the present case whose consent is required for compromise. ”

It is clear from the above that the FIR is a fall-out of a matrimonial dispute, which has been settled and marriage has been dissolved. Keeping in view the above development and the judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** 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 will not serve any purpose rather setting them aside will enable the parties to lead a peaceful life.

Accordingly, petition is allowed. FIR No.384 dated 25.12.2019 under Sections 323, 406, 498-A, 506 and 34 of IPC, 1860, registered at Police Station Parao, Ambala Cantt., Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

11.07.2022

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(SUVIR SEHGAL)
JUDGE

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