

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120+201

CRM-M-40036 of 2021 (O&M)

Date of decision:24.03.2022

Jagdeep Kadyan

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Mukesh Bhatnagar, Advocate for
Mr. Susheel Gautam, Advocate
for respondent No.2-complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.9375 of 2022

Application is allowed as prayed for.

Judgment and decree dated 13.10.2021 passed by learned
Additional Principal Judge, Family Court, Sonipat is taken on record as
Annexure P-5.

CRM-M-40036 of 2021

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 (for short “the Code”) seeking quashing of FIR

No.58 dated 26.02.2019 registered under Sections 498-A, 406, 506, 377 of Indian Penal Code, 1860 at Police Station Civil Lines, Sonipat, District Sonipat (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise, which is reflected from the petition (Annexure P-2) filed under Section 13-B of Hindu Marriage Act, 1955.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 in November, 2011 and a son was born out of the wedlock, but due to temperamental differences, they started living separately since March, 2017 and the marriage between them failed irretrievably. Counsel submits that dispute has been settled by virtue of compromise, which is reflected from the petition (Annexure P-2) as well as judgment and decree (Annexure P-5), whereby, marriage has been dissolved by mutual consent.

Upon instructions from L/ASI Seema, State counsel submits that the matter is under investigation and the petitioner has joined investigation pursuant to order passed by this Court in CRM-M-13161 of 2019, wherein, he was granted interim protection.

Counsel representing respondent No.2-complainant has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner. He submits that he does not have any objection in case petition is accepted.

Heard counsel for the parties.

Vide order dated 27.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements

recorded and a report was called for from the Court concerned regarding genuineness of the compromise as well as, as to whether PO proceedings are pending against any of the parties. Report has been received and its relevant extracted is reproduced as under:-

“2. It is submitted that accused in present case is on bail. Challan has not been filed in the present case. It is further submitted that as per statement of ASI Santosh, Investigating Officer, no any other FIR is pending against the accused and accused has not been declared as proclaimed offender/person. It is submitted that as per statements of parties, compromise between appearing parties is genuine & voluntary out of their free will.”

Observations of the Family Court, while dissolving the marriage, vide judgment dated 13.10.2021 (Annexure P-5) deserve to be noticed and are reproduced hereunder:-

“5. As per the joint statement of the parties recorded on two different dates, they were married on 22.11.2011 at Sonipat and one child was born from this wedlock. On account of temperamental differences, they could not settle together and are living separately since 13.03.2017. They have settled all their claims of dowry and future maintenance. The custody of the male child namely Henry Kadyan will remain with the petitioner No.1 Teena Kadyan with whom, he is already living and petitioner No.2 Jagdeep Kadyan shall not raise any

dispute qua the custody of the said child. They have also resolved that now there is no claim left between them towards future maintenance alimony or any right in the property.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The same view has been reiterated by Apex Court in ***Narinder Singh and others Vs. State of Punjab and another***, 2014(2) RCR (Criminal) 482. Apex Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another*** (2017) 9 SCC 641 has summarized the broad principles on the basis of the precedents and has held that the inherent power of the High Court has a wide ambit and plenitude, which has to be exercised to secure the ends of justice or to prevent the abuse of the process of any Court.

FIR (Annexure P-1) has emanated from a matrimonial dispute which has been settled, the marriage between the parties, has been dissolved and the parties have decided to bury the hatchet. In these circumstances, this Court is of the view that prolonging the criminal case would be futile and it is a fit case to exercise inherent powers under Section 482, *ibid* and set aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.58 dated 26.02.2019 registered under Sections 498-A, 406, 506, 377 of Indian Penal Code, 1860 at Police Station Civil Lines, Sonipat, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

March 24, 2022

savita

(SUVIR SEHGAL)
JUDGE

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