

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

271+122

CRM-M-34540-2020 (O & M)

Date of decision:09.11.2022

Harman Pahwa and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Dinesh Maurya, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-42531-2022

Application is allowed as prayed for.

Judgment and decree dated 19.01.2021 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-7.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.30 dated 04.02.2017 under Sections 323, 34, 406, 498-A and 506 of IPC, 1860, registered at Police Station Taraori, District Karnal, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of statement dated 03.10.2019, Annexure P-2, and compromise dated 17.10.2020, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant/respondent No.2. He submits that marriage of petitioner

No.1 was solemnized with the complainant/respondent No.2 on 02.05.2015 and a son was born out of the wedlock. He submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled by way of compromise, which is reflected in complainant's affidavit, Annexure P-3. Counsel submits that in terms of the compromise, entire permanent alimony of Rs.2.20 lac has been paid, marriage has been dissolved by judgment and decree, Annexure P-7, and the custody of the minor child is to remain with complainant/respondent No.2. Still further, by making a reference to affidavits dated 01.12.2020 and 05.12.2020, Annexures P-5 and P-6, respectively, filed by petitioner No.1 and complainant/respondent No.2, during the pendency of the instant petition, counsel submits that both have deposed that the rights of the minor child available to him under the law would not be affected on account of the compromise.

Upon instructions from SI Rohtash, State counsel submits that trial is underway and some prosecution witnesses have been examined.

Counsel for the complainant/respondent No.2 admits the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 17.12.2020, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

“1. Statement of accused Harman, Amarjeet, Saroj Arora and complainant Chinki (Annexure-1) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or pressure.

2. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. They also stated that compromise dated 17.10.2020 has been complied. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.

3. No one is proclaimed offender/absconding in the present case.

4. Further, as per affidavits submitted by accused persons, there are no other criminal proceedings pending against them.”

As FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled and marriage has been dissolved, this Court is of the view that continuation of the criminal proceedings would not serve any purpose. In view of the judgment of the Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court has no hesitation in exercising its inherent powers and quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.30 dated 04.02.2017 under Sections 323, 34, 406, 498-A and 506 of IPC, 1860, registered at Police Station Taraori, District Karnal, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

09.11.2022

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(SUVIR SEHGAL)
JUDGE

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