

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-37381-2020
Date of decision:23.05.2022

Sohan Lal

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pawan Attri, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. Pinki Mehla, Advocate for
Mr. Virender Singh, 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.43 dated 05.06.2020 under Sections 323, 354, 354-B, 376-B, 506 and 511 of IPC, 1860, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 05.10.2020, Annexure P-2.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant/respondent No.2 on 02.12.2003 at Saharanpur. He submits that due to temperamental differences, they could not adjust with each other and FIR, Annexure P-1, is a fallout of

the discord between them. He submits that the matrimonial dispute has been settled by virtue of compromise, Annexure P-2, and marriage has been dissolved by judgment and decree dated 05.10.2020, Annexure P-3. Counsel submits that the entire permanent alimony stands paid and in terms of the compromise, the custody of the son is with the petitioner and that of the daughter is with complainant/respondent No.2.

Upon instructions from ASI Poonam, State counsel submits that upon conclusion of investigation, *challan* has been presented, though charge has not been framed. As per her instructions, the petitioner is the sole accused.

Counsel for the complainant/respondent No.2 admits the factum of compromise and does not dispute the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 12.11.2020, this Court directed the parties to appear before the Trial Court to get their statements recorded with regard to the compromise and the following information was called for from the Trial Court/Area Magistrate.

- “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 FIR or not.”*

Necessary information has been received by way of a report, relevant extract of which is reproduced as under:-

“From the statement of the parties, it prima facie appears that the parties have entered into compromise by their free will and compromise is

genuine. A report from the Investigating officer was also called, wherein it has been reported that no other criminal case is pending against accused Sohan Lal. It has further been mentioned in the report that in the present FIR, Sohan Lal is the only accused and no one has been declared proclaimed person in this case ”

It is evident that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been settled and marriage has been dissolved. In view of this background, report of the trial court and judgments of the Supreme Court in ***Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582; B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court has no reservation in setting aside the criminal proceedings.

Accordingly, petition is allowed. FIR No.43 dated 05.06.2020 under Sections 323, 354, 354-B, 376-B, 506 and 511 of IPC, 1860, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

23.05.2022

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(SUVIR SEHGAL)
JUDGE

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