

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(126+228)

CRM-M-42758-2021 (O&M)
Date of Decision:- 11.02.2022

Amit Kumar

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S.Sahu, Advocate for the applicant-petitioner.

Ms. Deepshikha Chauhan, Advocate for respondent No.1.

Mr. Nafeesh Ahmed, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-2013-2022

Application is allowed as prayed for.

Judgment and decree passed by Principal Judge, Family Court,
Sirsa on 11.12.2021 is taken on record as Annexure A-1.

CRM-M-42758-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.311 dated 11.09.2020 registered for offences under Sections 323, 34 and 498-A of the Indian Penal Code, 1860, at Police Station Sadar Sirsa, Tehsil and District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 24.09.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 01.11.2019 and there is no issue out of the wedlock, but due to bickering between the parties, they could not adjust with each other and have been residing separately since April 2020. He submits that the disputes between the parties have been settled by way of panchayati settlement, Annexure P-2, and marriage has been dissolved by virtue of judgment and decree dated 11.12.2021, Annexure A-1, by mutual consent. Be referring to para 4 of the judgment, Annexure A-1, counsel submits that as per the terms of the settlement, a sum of Rs.7.20 lacs has been paid to the complainant-respondent No.2 as permanent alimony and even the gold articles have been returned by the parties to each other.

Upon instructions from, ASI, Ashok Kumar, learned State counsel submits that challan has been presented and charge has been framed against the petitioner, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and submits that the petition deserves to be accepted.

Heard counsel for the parties.

Vide order dated 11.10.2021, this Court directed the parties to record their statements regarding the compromise and a report was called for from the Trial Court/Illaq Magistrate regarding the genuineness of the compromise and also as to whether P.O. proceedings are pending against any of the parties. Report has been received and relevant extract, thereof, reads as under:-

“Statement of IO recorded today. Separate statements of complainant and accused regarding compromise have been recorded on 24.11.2021. Complainant Voluntarily stated that the matter has been compromised with the accused with the intervention of Panchayat and prayed for quashing of the present FIR. Accused, Amit, also recorded his separate statement voluntarily stating therein that the matter has been compromised with the complainant with the intervention of Panchayat and prayed for quashing of the present FIR. The IO in his statement stated that no proclaimed offender proceeding is pending against the parties in the above said FIR. After recording the statements of the parties, this Court is satisfied that compromise is genuine, voluntarily (sic voluntary), without any coercion or undue influence. The compromise has been effected with free will of the parties.”

Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and 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 of Criminal Procedure, 1973 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. In ***Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834***, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that the FIR is an outcome of a marital dispute, which has been settled and the parties have decided to bury the hatchet, this Court is of the view that no purpose would be served in continuing with the criminal proceedings, rather setting aside of the FIR would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.311 dated 11.09.2020 registered for offences under Sections 323, 34 and 498-A of the Indian Penal Code, 1860, at Police Station Sadar Sirsa, Tehsil and District Sirsa, Annexure P-1, along with all subsequent proceedings arising therefrom, is quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

11.02.2022
Kamal

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