

**CRM No.7707 of 2022 in/and
CRM-M-39312 of 2020 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.7707 of 2022 in/and
CRM-M-39312 of 2020 (O&M)
Date of decision:13.05.2022**

Varun Bindra and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Surinder Singh, Advocate
for the applicant-petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. Ishita Jain, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.7707 of 2022

Noticing the prayer made in the application, date of hearing of the application for placing on record (CRM No.1353 of 2021) as well as of the main case is advanced to today and they are ordered to be taken up on Board.

CRM No.1353 of 2021

Application is allowed as prayed for.

Order dated 09.12.2020 passed by the Trial Court as well as

decree of divorce are taken on record as Annexure A-1 and A-2, respectively.

CRM-M-39313 of 2020

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0502 dated 08.09.2019 registered under Sections 406, 498-A, 34 of Indian Penal Code, 1860 at Police Station Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise/settlement deed dated 26.08.2020 (Annexure P-3).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 11.12.2017 at Ambala and there is no issue out of the wedlock. Counsel submits that despite the fact that marriage took place after six years long love affair, the parties could not adjust with each other, even though parties resided together in USA for few months, but the complainant-respondent No.2 came back to India. He submits that FIR is an outcome of matrimonial dispute, which has been settled and the marriage has been dissolved, vide decree of divorce dated 23.12.2020, Annexure A-2. By referring to the joint statements of the parties recorded during first motion (Annexure P-4), counsel for the petitioners submits that entire permanent alimony of Rs.14.00 lacs has been paid. Still further, he submits that petitioners are not proclaimed offenders

and petitioner No.1 has re-married.

Upon instructions from ASI Surjit Singh, State counsel submits that on conclusion of investigation, challan has been presented, charge has been framed but no prosecution evidence has been recorded.

Counsel appearing on behalf of the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 26.11.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded and report was called for, from the Trial Court regarding the genuineness of the compromise. Report has been received and its relevant extract is as under:-

“The parties were also orally questioned by the undersigned regarding genuineness and validity of the compromise and they stated that they have executed the compromise voluntarily without any pressure. Parties were identified by their counsel, respectively. The parties have actually entered into the compromise with their free-will and the said compromise is genuine.”

It is evident that FIR (Annexure P-1) is an offshoot of a matrimonial dispute, which has been settled, marriage has been dissolved and petitioner No.1 has remarried. In view of the above, report of the

Trial Court and judgments of Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582**, and **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482**, this Court has no hesitation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0502 dated 08.09.2019 registered under Sections 406, 498-A, 34 of Indian Penal Code, 1860 at Police Station Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 13, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes