

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CRM-M-40134-2020 (O&M)

Date of Decision:- 13.01.2022

Bhola and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anshumaan Dalal, Advocate for the applicants-petitioners.

Ms. Mahima Yashpal, DAG, Haryana for respondent No.1.

Mr. K.L.Saini, Advocate for respondent No.2

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-39473-2021

Prayer made in the application is for preponement of hearing of the main case, which is fixed for 28.03.2022.

For the reasons given in the application, it is allowed. Hearing of the main case is preponed to today and is ordered to be taken up on Board.

CRM-42019-2021

For the reasons given in the application, it is allowed.

Judgment and decree dated 17.11.2020 passed by the Family Court, Rohtak dissolving the marriage between the parties under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-4.

CRM-M-40134-2020

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.470 dated 08.12.2017 registered for offence under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Kalanaur, Rohtak, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 17.11.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of complainant-respondent No.2, and FIR, Annexure P-1, is an outcome of matrimonial dispute between petitioner No.1 and complainant-respondent No.2, which has been resolved and the marriage between the parties has now been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, Annexure P-4, and the parties have recorded their statements in support of the compromise pursuant to order passed by this Court.

Counsel representing the complainant-respondent No.2 has submitted that in view of the compromise and divorce, the FIR deserves to be quashed.

Heard counsel for the parties.

Vide order dated 03.12.2020, this Court directed the parties to appear before the Trial Court/Illaq Magistrate, and get their statements recorded regarding the compromise and a report was called for from the

Court on following counts:-

1. *The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
2. *the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
3. *the stage of trial/proceedings;*
4. *if the compromise is genuine, voluntary and out of free will of the parties;*
5. *whether any other criminal case is pending against the accused.*

Report from the trial Court has been received in compliance of the said order and its relevant extract is reproduced hereunder:-

- “a). total two accused were charge-sheeted, namely, Bhola and Bimla.*
- b) Six accused were named in FIR but only two accused, namely, Bhola and Bimla, were forwarded to stand trial.*
- c). Only one person is complainant, namely, Varsha.*
- d). None of the accused is a proclaimed person.*
- e). No criminal case is stated to be pending against the accused.*
- f). The case is at the stage of prosecution evidence.*
- g). The compromise between the parties is voluntary, without any coercion or undue influence. The complainant and accused have made statement regarding compromise.”*

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 dispute between the parties is over a marital discord, which has now been settled and the parties have decided to bury the hatchet, continuation of criminal proceedings would not serve any purpose and FIR, Annexure P-1, deserves to be quashed.

Accordingly, the petition is allowed. FIR No.470 dated 08.12.2017 registered for offence under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Kalanaur, Rohtak, District Rohtak, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

13.01.2022
Kamal

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