

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

272

**CRM-M-40782-2020 (O&M)
Date of decision: 25.07.2022**

Lakshay Teotia

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arun Singal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Naveen Kundu, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-22796-2022

Application is allowed as prayed for.

Judgement dated 17.12.2020 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-5.

Main case

This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the case FIR No.1090 dated 22.11.2019, registered under Sections 195-A, 341, 352, 354, 354-D, 506 and 509 of Indian Penal Code, 1860 (for short 'IPC') at Police Station Panipat City, Panipat, District Panipat, Annexure P-1 and all subsequent

proceedings arising therefrom on the basis of compromise-cum-settlement agreement, Annexure P-3.

Counsel for the petitioner submits that the marriage of the petitioner was solemnized with complainant-respondent No.2 on 21.08.2016 and there is no child out of the wedlock. He submits that the parties could not adjust with each other due to temperamental differences and the marriage broke down. He submits that after the complainant-respondent No.2 separated in January, 2018, she submitted a complaint on the basis of which FIR No.50 dated 13.01.2018 was lodged against the petitioner . Counsel submits that the present FIR, which is the second criminal case lodged by her, is an outcome of the matrimonial dispute on account of an incident alleged to have taken place subsequently. He submits that matrimonial dispute has been settled by compromise, Annexure P-3, a sum of Rs.30 Lacs has been paid by way of permanent alimony, marriage has been dissolved by judgment Annexure P-5 and earlier FIR has been quashed on the basis of settlement vide order dated 28.03.2022 passed in CRM-M-40342-2020.

Upon instructions from SI Naresh Kumar, State counsel submits that the challan has been presented on conclusion of the investigation but charge has not been framed. Counsel representing the complainant has admitted the factum of compromise as well as the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 07.12.2020, this Court directed the parties to appear before the trial Court/Duty Magistrate for recording of their statements with regard to the compromise and a report was called for

from the Court concerned on the following aspects:-

- “1. Number of persons arrayed as accused.*
- 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.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

Report has been received and its relevant extract is as under:-

“As per the directions issued by Hon'ble Punjab & Haryana High Court, Chandigarh, the complainant Ekta Bamal and accused Lakshay Teotia appeared in person for getting their statement recorded regarding the compromise. The complainant and accused was specifically asked as to whether the matter has been compromised without any coercion or influence from any corner and is it voluntarily and out of their free will. After the Court was satisfied about the voluntariliness of the compromise, their statements in this regard has been recorded separately which has been duly identified by their respective counsels. Concerned Investigating Officer was also called and his statement was recorded in the instant case. Perusal of the file also reveals the following important facts:-

- 1. The FIR in question under Sections 195-A, 341, 352, 354, 354-D, 506 & 509 IPC, Police Station City, District Panipat was registered on the basis of complaint moved by Ekta Bamal and there is only one victim/complainant i.e. Ekta Bamal in the present case.*
- 2. With regard to queries No.1 & 2, it is reported that there is only one accused namely Lakshay Teotia*

arrayed in the instant FIR and he has been never declared as proclaimed offender or has been absconding in the given case during the trial.

3. *With regard to query No.3, joint statement of parties has been recorded and they have been duly identified by their respective counsels. This Court is satisfied that parties have entered into compromise without any fear or coercion and they are making the statement voluntarily and they both have suffered that their marriage was solemnized on 21.08.2016 and they both have filed many cases against each other but now they have compromised the matter without any fear or coercion and they both have withdrawn some cases against each other and some cases are pending and they will withdraw the same. The instant FIR bearing No.1090/2019 was also filed by complainant/victim Ekta Bamal against accused Lakshay Teotia and now according to the compromise, she does not want any action against accused and she has no objection to quash the instant FIR.*

4. *With regard to query No.4, it is submitted that one another FIR bearing No.50 dated 13.01.2018, under Sections 307 and 498-A etc. of IPC is also registered at Police Station Chandni Bagh, Panipat, District Panipat and is pending in another Court.*

5. *With regard to query No.5, as per the directions issued by Hon'ble High Court, SI Suresh Kumar, I.O. of the instant case has been called and his statement has been recorded in which he has stated that there is only one complainant/aggrieved person namely Ekta Bamal and except her there is no victim/complainant in the given case. Cost of Rs.5,000/- has also been deposited by accused in legal aid and receipt placed on file. .”*

It is evident that FIR is outcome of a matrimonial dispute which has been amicably settled and the the marriage has been dissolved by mutual consent.

In view of the above backdrop, report of the trial Court, as well as judgments of the Supreme Court in *Narinder Singh Versus State of Punjab* (2014) 6 SCC 466 and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another* (2017) 9 SCC 641, this Court is of the view that prolonging the criminal proceedings would not serve any purpose rather quashing them would enable the parties to lead a peaceful life.

Accordingly, petition is allowed. FIR No.1090 dated 22.11.2019, registered under Sections 195-A, 341, 352, 354, 354-D, 506 and 509 of IPC at Police Station Panipat City, Panipat, District Panipat, Annexure P-1 and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

25.07.2022
pooja saini

(SUVIR SEHGAL)
JUDGE

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