

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128+273)

CRM-M-41062-2020(O&M)
Date of Decision:- 15.09.2022

Akhil Chandra

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Charanji Lal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. N.K.Vashisth, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-34436-2022

Application is allowed as prayed for.

Judgment and decree dated 23.09.2020 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-6.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.119 dated 11.12.2018, registered for offences under Sections 323, 34, 354-A, 406, 498-A and 506 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Sections 34 and 354-A, IPC were deleted, at Police Station Women, West Gurugram, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 06.01.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that complainant-respondent No.2 was married to the petitioner on 03.11.2014 at Gurugram and a son was born out of the wedlock. He submits that the parties could not adjust with each other and parted ways in September, 2018, and FIR, Annexure P-1, was registered as a result of a marital discord. He submits that dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-6 and the entire permanent alimony of Rs.3 lacs has been paid. Still further, he submit that in terms of the settlement, the custody of the minor child is with the complainant-respondent No.2 with visitation rights to the petitioner.

Upon instructions received from ASI, Parveen, State counsel submits that the trial is underway.

Counsel representing 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 10.01.2022, this Court directed the parties as well as the Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements with regard to the compromise and a report was called for on the following aspects:-

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

“1. There are four accused arrayed in the present FIR. However, charge sheet against accused Renu Aggarwal (mother-in-law), Shankar Aggarwal (father-in-law) and Neha Aggarwal (sister-in-law) was not filed as their role had not surfaced during investigation.

Charge sheet was filed only against accused Akhil Chandra. Accused Akhil Chandra have appeared before the Court and has made a statement qua compromise. He has also deposed that he has never been declared proclaimed offender in any case. His version has been verify by IO concerned. Separate statement of the IO in this regard recorded.

2. The complainant in the present case is Priya Garg. She has deposed that the matter has been compromised between the parties out of her free will.

3. The present case was listed for evidence of prosecution. During prosecution evidence an application under Section 319 Cr.P.C. was moved which was listed for consideration.

4. In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be genuine without any threat or pressure from either side and is made out of free volition of the parties.

5. As per accused Akhil Chandra there is no criminal case pending against him. His version was verified by the IO.”

It is apparent from the above that FIR, Annexure P-1, is an off-shoot of a matrimonial dispute, which has been amicably resolved and marriage has been dissolved.

Keeping in view the above development, report of the Trial Court and judgment of a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** as well as the judgment of Supreme Court in ***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 continuation of the criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.119 dated 11.12.2018, registered for offences under Sections 323, 34, 354-A, 406, 498-A and 506, IPC, however, later on Sections 34 and 354-A, IPC were deleted, at Police Station Women, West Gurugram, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)

JUDGE

15.09.2022

Kamal

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