

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-46742 of 2021
Date of decision:11.11.2022

Ompal and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pushp Jain, Advocate for
Mr. Virat Rana, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Ashish Pundir, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 25.11.2021, this Court passed the following order in the
main petition:-

*“Instant petition has been filed under Section 482 of the
Code of Criminal Procedure, 1973 seeking quashing of FIR
No.287 dated 25.05.2018 registered under Sections 323, 498-
A, 506 of Indian Penal Code, 1860 at Police Station City
Bahadurgarh, District Jhajjar (Annexure P-1) and also
subsequent proceedings arising therefrom, as the matter has
been compromised between the parties and the marriage has
been dissolved by a decree of divorce passed by mutual consent*

on 30.09.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 was married to the complainant-respondent No.2 on 28.02.2017 and a daughter was born out of the wedlock, however, due to temperamental differences between the couple, they have been residing separately since 12.01.2018 and with the intervention of the elders and respectables, marital discord has been resolved. He submits that alimony, stridhan and maintenance amount has been paid and nothing more is due to the complainant-respondent No.2 and the parties have mutually agreed to withdraw all the pending cases. Still further, by making a reference to para 6 of the petition, counsel submits that the petitioners, who are husband and father-in-law of the complainant-respondent No.2, have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms.Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1-State. Mr.Ashish Pundir, Advocate appears on behalf of respondent No.2. He has admitted the statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the trial Court/Illaq Magistrate on 25.01.2022 for getting their statements recorded with regard to the

compromise. The trial Court/Illaq Magistrate shall submit the report specifying the following:-

- 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 accused is involved in any other criminal case, and to send its report to this Court through District and Sessions Judge, before the next date of hearing.*

Report of the trial Court/Illaq Magistrate be awaited for 20.04.2022.”

Counsel for the petitioners submits that custody of the child born out of the wedlock is with petitioner No.1 in terms of the settlement between the parties.

Upon instructions from SI Ankita, State counsel submits that though there were number of accused in the FIR, but on conclusion of investigation, challan has been presented and charge has been framed against both the petitioners under Sections 323, 498-A, 506 IPC and trial is underway.

Counsel for the complainant-respondent No.2 has supported the prayer made in the petition and submits that all the claims inter se parties have been settled.

Heard counsel for the parties.

Report has been received pursuant to above reproduced order and its relevant extract is as under:-

“(1) As per Investigating Officer, there were six accused named in FIR No.287 dated 25.05.2018, under Sections 354/323/498-A & 506 of IPC, P.S.City, Bahadurgarh, during investigation, Section 354 of IPC was revoked and four accused namely Sunita, Sonia, Yashpal and Sonika were found innocent and kept in column no.2. Further, against accused Ompal and Balwan challan was filed. It is further submitted that no accused have been declared as proclaimed person in this case. As per information, no other case is pending against these accused.

(2) The name of complainant in this case is Priyanka and she has appeared before the Court and made her statement dated 14.12.2021, in support of the compromise with accused persons.

(3) As per the record, the case is at the stage of prosecution evidence.

(4) As per the respective statements, parties have compromised the matter out of their sweet will and the

compromise is genuine, voluntarily and without any coercion or undue influence.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved. Parties have decided to give a quietus to the dispute and are living separately.

Keeping in view the above development, report of the Trial Court and judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675 and Narinder Singh Versus State of Punjab (2014) 6 SCC 466**, this Court is of the opinion that keeping the criminal proceedings alive would be futile.

Accordingly, petition is allowed. FIR No.287 dated 25.05.2018 registered under Sections 323, 498-A, 506 of Indian Penal Code, 1860 at Police Station City Bahadurgarh, District Jhajjar (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

November 11, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>