

**CRM-M-43657-2020 (O & M) and
CRM-M-555-2021 (O & M)**

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

244+124-1

**CRM-M-43657-2020 (O & M)
Date of decision:06.05.2022**

Amit Sharma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CRM-M No.555 of 2021 (O & M)

Suresh Kumar Sharma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Deepender Singh, Advocate
for the petitioner in both the cases.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Gitesh Sharma, Advocate for
Mr. Amish Sharma, Advocate for respondent No.2
in both the cases.

SUVIR SEHGAL J.(ORAL)

CRM-16424-2022

Allowed as prayed for.

Judgment and decree of divorce dated 16.03.2021 passed
under Section 13-B of the Hindu Marriage Act, 1955, is taken on record
as Annexure P-8.

Main Case

This order shall dispose of CRM-M-43657-2020 titled as **Amit Sharma versus State of Haryana and another**, and CRM-M-555-2021 titled as **Suresh Kumar Sharma versus State of Haryana and another** as the accused in both the petitions are the husband and father-in-law respectively of the complainant/respondent No.2 and they have approached this Court by way of separate petitions seeking quashing of the FIR on the basis of a compromise. For the sake of convenience, facts are being taken from CRM-M-43657-2020.

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.510 dated 29.06.2017 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Faridabad Central, District Faridabad, Annexure P-1, and Final Report u/s 173 Cr.P.C. dated 12.01.2018, Annexure P-2, alongwith all subsequent proceedings arising therefrom, on the basis of compromise/settlement dated 22.09.2020, Annexure P-3, arrived at between the parties.

Counsel for the petitioner(s) submits that marriage of the petitioner was solemnized with the complainant/respondent No.2 on 19.11.2013 and no child was born out of the wedlock, but due to irreconcilable differences, they could not live together and separated in April, 2017. Counsel submits that the matrimonial dispute between the parties has been settled by Settlement Deed, Annexure P-3, and marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-8. Counsel submits that in terms of the compromise, the petitioner has paid a sum of Rs.25 lakh to the complainant/respondent

No.2 and the entire litigation filed by the parties against each other has been withdrawn. He submits that the parties have appeared before the Trial Court pursuant to order passed by this Court.

Upon instructions from SI Kamal Chand, State counsel submits that on conclusion of investigation, final report under Section 173, Cr.P.C. has been submitted under Sections 406, 498-A, 354 and 377 of IPC, but charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and does not controvert the statement of counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 23.12.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded with regard to the compromise and a report was called for on the following counts:-

*“i) regarding genuineness and voluntary nature of the compromise;
ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
iii) whether any other proceeding is pending against the accused/petitioners.”*

Report has been received from the Trial Court and its relevant extract is reproduced as under:-

*“(i) Compromise appears to be genuine and voluntarily effected between parties.
(ii) There are only two accused namely Amit Sharma and Suresh Kumar Sharma in this case and both are on bail.
(iii) As per the statement of parties only two cases i.e. present case pending in court of undersigned and a case under section 13-B of Hindu Marriage Act is pending in the court of Ms. Kumud Gugnani,*

*Addl. Principal Judge, Family Court, Faridabad,
now fixed for 16.4.2021.”*

Matrimonial discord between the parties, which resulted in the lodging of the FIR, Annexure P-1, has been settled. The dispute has been resolved, marriage has been dissolved and the parties, who are in their early thirties, have decided to end the acrimony. In the above backdrop and following the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court is of the view that prolonging the criminal proceedings would lead to unnecessary harassment and the interest of justice would be served, in case, these are set aside.

Accordingly, petition is allowed. FIR No.510 dated 29.06.2017 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Faridabad Central, District Faridabad, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner(s).

06.05.2022
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(SUVIR SEHGAL)
JUDGE

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