

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(271)

CRM-M-48367-2021
Date of Decision:- 19.05.2022

Anokh Singh

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikram Rana, Advocate for the petitioner.

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

Mr. Deepam Ragav, Advocate for
Mr. Rajesh Tushar, Advocate for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 18.11.2021, this Court passed the following order:-

*“Heard through video conferencing.**Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.51 dated 29.02.2020 under Section 323, 34, 354-A, 354-B, 498-A and 506 of the Indian Penal Code, 1860, registered at Women Police Station, Faridabad N.I.T., Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 29.10.2021, Annexure P-2.**Counsel for the petitioner submits that the petitioner is the father-in-law of the complainant-respondent No.2 and a false FIR has been lodged against him accusing him of dishonorable intentions towards the complainant. He submits that the dispute between the parties has been resolved by virtue of compromise deed dated 29.10.2021, Annexure P-2, and the complainant-respondent No.2 and her husband are staying together under one roof.**Notice of motion.**On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of State-respondent No.1. Upon instructions from, L/ASI Priyanki, she submits that the petitioner is the sole accused and the challan against him has been presented. Upon further instructions, she states that the petitioner has not been declared as a proclaimed offender. Mr. Rajesh Tushar, Advocate has put in*

appearance and accepts notice on behalf of complainant-respondent No.2. He has filed his vakalatnama, which is taken on record, and admitted the factum of compromise arrived at between the parties.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 21.01.2022 or on any date within a fortnight thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing 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 other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 23.03.2022.”

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

“i) 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/PO in this case.

Report: As per the statement of IO, HC, Sunita, complainant Sukhdeep Kaur lodged FIR against accused persons namely Anokh Singh, Rashpal Kaur, Gurinderpal Singh. However, challan was filed only against accused Anokh Singh, as the other accused were found innocent during investigation and the verification conducted by ACP. No other accused is absconding/PO in this case. It is submitted that as per the police record, neither the abovenamed accused has been declared proclaimed offender/person in this case, nor any criminal case is pending against him.

ii) The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of compromise:

Report: The name of the complainant/aggrieved is Sukhdeep Kaur and she has appeared before the Court that made her statement in support of the compromise;

- iii) *The stage of trial/proceedings*
Report: The case is pending at the stage of charge.
- iv) *If the compromise is genuine, voluntary and out of free will of the parties:*
Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.
- v) *Whether any other criminal case is pending against the accused:*
Report: In the present case, as per the report of L/HC Sunita, no other criminal case is pending against the accused.”

FIR, Annexure P-1, has been registered on account of a trivial matrimonial issue, which has been resolved and the couple is staying together.

In view of the above as well as the report of the Trial Court and judgments of the Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court has no hesitation in quashing the FIR, Annexure P-1.

Accordingly, the petition is allowed. FIR No.51 dated 29.02.2020 registered under Section 323, 34, 354-A, 354-B, 498-A and 506 of the Indian Penal Code, 1860, at Women Police Station, Faridabad N.I.T., Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

19.05.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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