

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

263

CRM-M-43911 of 2020 (O&M)

Date of decision:11.05.2022

Sonu @ Paras Soni and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karunesh Kaushal, Advocate
for the petitioners.

Ms. Ankita Ahuaja, AAG, Haryana.

Mr. Arsh Aggarwal, Advocate for
Mr. Robin Dutt, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.14337 of 2022

Application is allowed as prayed for.

Judgment and decree dated 17.12.2020 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-M-43911 of 2020

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.0046 dated 31.01.2020 registered under
Sections 323, 406, 498-A, 506, 34 of Indian Penal Code, 1860 at Police
Station Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent

proceedings arising therefrom on the basis of compromise dated 17.12.2020 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 17.05.2011 and no child was born out of the wedlock. However, relations between the parties became strained and they have been residing separately since July, 2019. He submits that matrimonial dispute has been settled by way of compromise (Annexure P-2), the entire permanent alimony of Rs.7.00 lacs has been paid and marriage has been dissolved, vide judgment and decree dated 17.12.2020 (Annexure P-4). Counsel submits that parties have appeared before the Trial Court and their statements have been recorded in compliance of the order passed by this Court.

Upon instructions from ASI Manish Kumar, State counsel submits that after completion of investigation, final report has been submitted, but charge has not been framed.

Counsel appearing on behalf of the complainant-respondent No.2 has admitted the factum of compromise and the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 04.01.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded in support of the compromise and a report was called for regarding

the authenticity of the compromise, number of accused and their antecedents. Report has been received and its relevant extract is as under:-

“In view of the statement of interested parties, this Court is satisfied that they have compromised the matter amongst themselves voluntarily and without any pressure and complainant Ms. Ritu Soni has no objection, if the present proceedings are dropped against the accused persons.

It is further submitted that Hon'ble High Court has also directed that the ld. State counsel would also verify whether there are other criminal cases of like nature or otherwise, pending against the petitioners. In respect thereof, it is humbly submitted that on 29.01.2021 Ms. Neenu Goyal, Ld.APP for the State got recorded her statement that neither any other criminal proceedings nor any PO proceedings are pending against any of the accused. She also placed on record the report of the concerned police station to that effect on the case file.”

It is evident that FIR (Annexure P-1) is a result of a marital discord, which has been settled and marriage has been dissolved. This Court is of the view that continuation of criminal proceedings would be an exercise in futility as the matrimonial dispute has been settled and this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0046 dated 31.01.2020 registered under Sections 323, 406, 498-A, 506, 34 of Indian

Penal Code, 1860 at Police Station Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 11 2022
savita

(SUVIR SEHGAL)
JUDGE

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