

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

267

CRM-M-48489-2021

Date of decision:20.04.2022

Lakhan

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jangvir S. Hooda, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Neeraj Kumar, Advocate
for the complainant/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.208 dated 30.10.2019 under Sections 406, 498-A and 506 of the Indian Penal Code, 1860, registered at Police Station Woman Balabhgarh, District Faridabad, Annexure P-1, along with all subsequent proceedings arising therein, on the basis of compromise, Annexure P-2.

Counsel for the petitioner submits that the allegations levelled under Section 376 of the Indian Penal Code, 1860 have been deleted during the course of investigation and the FIR had been lodged by the complainant-respondent No.2, who is the wife of the petitioner, on account of some misunderstanding, which has been sorted out, a compromise, Annexure P-2, has been entered into and the parties are living 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, Inspector, Neha Rathi, she submits that the challan has been presented against the petitioner, who has not been declared as a proclaimed offender. Mr. Neeraj Kumar, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise 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 from the trial court pursuant to the above reproduced order and its relevant extract is as under:-

“(I) The FIR was registered against four persons namely Lakhan, Jagdish, Rajan and Virender. During investigation, accused Jagdish, Rajan and Virender were found innocent and police filed the challan against accused Lakhan. Statement of accused Lakhan recorded in support of compromise. As per statement of HC Sonia, no accused has been declared proclaimed person in this case.

(ii) The complaint was moved by complainant namely Hemlata daughter of Shri Bhim Singh. She appeared and made her statement in support of compromise.

- (iii) Charge has been framed against the accused and the case is on prosecution evidence.
- (iv) As per statement made by both the parties, compromise appears to be genuine, voluntarily and out of their free will.
- (v) As per statement made by HC Sonia, no other case is pending against accused Lakhan.”

FIR, Annexure P-1, is a result of a trivial matrimonial dispute, which has been settled and the parties are cohabiting together. In view of the judgments of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834*, this Court is of the view that keeping the criminal proceedings pending would not serve any purpose and setting aside the same will enable the parties to lead a peaceful and harmonious life.

Accordingly, petition is allowed. FIR No.208 dated 30.10.2019 under Sections 406, 498-A and 506 of the Indian Penal Code, 1860, registered at Police Station Woman Balabhgarh, District Faridabad, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

20.04.2022
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(SUVIR SEHGAL)
JUDGE

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