

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
261 CRM-M-48857-2021
Date of decision:05.04.2022

Devdatt Verma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Neeraj Saini, Advocate for

Ms. Aastha Sharma, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 13.01.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.213 dated 19.12.2019 under Sections 323/406/498-A/506/34 of IPC, 1860, registered at Police Station Rampura, Rewari, District Rewari, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise as is reflected from affidavit dated 12.11.2021, Annexure P-2.

Counsel for the petitioner submits that the petitioner was married to the complainant/respondent No.2 on 17.01.2013 and a daughter was born out of the wedlock, but the parties could not pull around (sic along) and have been living separately since 15.03.2019. By referring to the affidavit, Annexure P-2, counsel submits that the disputes between the parties have been settled and the marriage has been dissolved by virtue of judgment and decree dated 12.08.2021, Annexure P-3. Counsel submits that all the claims regarding maintenance, alimony and dowry articles have been settled between the parties and the petitioner is not a Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Satbir Singh, she submits that the investigation has

been concluded and challan has been presented against the petitioner. Mr. Vinod Kumar, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.02.2022 or any date 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. The report be forwarded to this Court 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 Illaqa Magistrate/trial Court be awaited for 05.04.2022.”

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

“(1) That the FIR of the present case was registered against six persons namely Devdutt Verma, Ratti Ram, Jyoti, Himanshu, Om Parkash and Kaushalya but charge sheet was filed only against accused Devdutt Verma and only accused Devdutt Verma has appeared before the Court for making the statement along with complainant Kavita Kumari and as per the statement made by ASI Satbir Singh, PS Rampura, IO that as per their record accused Devdutt Verma has never been declared as proclaimed offender in the case.

(2) there is only one complainant in the case namely Kavita Kumari and she has appeared in the Court and made her statement in support of the compromise.

(3) the case is at initial stage and is at the stage of arguments on charge.

(4) Considering the statement made by the parties, I am of the opinion that the compromise arrived at

between the parties is genuine, voluntary and out of free will of the parties.

(5) As per statement of ASI Satbir Singh IO, no other criminal case is pending against accused Devdutt Verma.

7. In the present case besides recording the statements of the parties, I have also personally enquired from each of the parties i.e the complainant and the accused person regarding the compromise and both of the parties have stated that they have voluntarily compromised the matter between them. So, in view of the statements made by the complainant Kavita Kumari and accused person/petitioner Devdutt Verma, I am of the opinion that the compromise have been arrived at between the parties voluntarily, without coercion and pressure.”

FIR is an outcome of a matrimonial dispute, which has been settled and marriage between the parties has been dissolved by mutual consent. This Court is of the view that keeping the criminal proceedings pending would be an exercise in futility and the ends of justice would be served in case the proceedings are set aside.

In view of 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 SCC Online 834***, petition is allowed. FIR No.213 dated 19.12.2019 under Sections 323/406/498-A/506/34 of IPC, 1860, registered at Police Station Rampura, Rewari, District Rewari, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

05.04.2022

sheetal

(SUVIR SEHGAL)
JUDGE

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