

CRM-M-51186 of 2021 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-51186 of 2021 (O&M)

Date of decision:14.09.2022

Harpreet Singh alias Vicky alias Happy

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Karamveer Singh Banyana, Advocate
for respondent No2.

SUVIR SEHGAL, J. (Oral)

CRM No.29727 of 2022

Application is allowed as prayed for.

Judgment and decree dated 23.05.2022 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

CRM-M-51186 of 2021

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.594 dated 26.06.2019 registered under Sections
406, 498-A of Indian Penal Code, 1860 at Police Station Thanesar City,
District Kurukshetra (Annexure P-1) and all subsequent proceedings arising
therefrom, on the basis of compromise dated 22.11.2021 (Annexure P-2).

Counsel for the petitioner submits that petitioner was married
to complainant-respondent No.2 on 05.06.2010 and a daughter was born

out of the wedlock. He submits that due to matrimonial dispute, FIR (Annexure P-1) was registered by the complainant-respondent No.2, which has been settled by compromise (Annexure P-2). Still further, it is his submission that marriage has been dissolved by judgment and decree, Annexure P-3, entire permanent alimony of Rs.2.20 lacs has been paid and custody of the minor child is with the petitioner.

Upon instructions from ASI Pawan Kumar, State counsel submits that on conclusion of investigation, challan has been presented, charge has been framed but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 18.02.2022, this Court directed the parties as well as Investigating Officer to appear before the Illaqa Magistrate/Trial Court for getting their statements recorded and a report was called for on the following aspects:-

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

“5. I have also personally satisfied myself that the FIR was lodged by the complainant against accused and now the complainant and accused have arrived at a compromise without any coercion, undue influence or pressure and the compromise as arrived between them is genuine, voluntary and without any coercion and the complainant has no objection in case the present FIR against the accused is quashed. It is further submitted that as per the record of the judicial case file as well as the statement as given by ASI Naresh Kumar, the FIR in question was registered against three persons namely Harpreet Singh @ Vicky, Rajinder Kaur and Amrik Singh but challan was filed against one accused namely Harpreet Singh @ Vicky, who has recorded his statement regarding compromise. It is further submitted that in the present FIR there was only one victim who is the complainant namely Rupinder Kaur and her statement regarding compromise has also been recorded. Further, there is no record of accused Harpreet Singh @ Vicky been ever declared

proclaimed offender in the present case and neither, as per statement of ASI Naresh Kumar, as per police record, any other case except for the FIR in question has ever been registered against him. The trial with respect to FIR in question is at the stage of prosecution evidence but no prosecution witness till date has been examined.”

It is evident from the above that FIR (Annexure P-1) is emanated from the matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that continuation of the criminal proceedings would be an exercise in futility.

Accordingly, the petition is allowed. FIR No.594 dated 26.06.2019 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Thanesar City, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 14, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes