

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127+273)

CRM-M-51616-2021 (O&M)
Date of Decision:- 25.05.2022

Deepak Sharma

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shantanu Bansal, Advocate for the applicant-petitioner.

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

Mr. Shaurya Khanna, Advocate for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-19281-2022

Application is allowed as prayed for.

Judgment and decree dated 22.12.2021 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure A-1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.165 dated 10.11.2017, registered for offences under Sections 498-A, 406, 323 and 506 of the Indian Penal Code, 1860, at Women Police Station, District Ambala, Annexure P-2, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 16.11.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that petitioner was married to complainant-respondent No.2 on 24.10.2012 at Ambala and there is no

issue out from the wedlock. He submits that due to temperamental differences between them, they have been living separately since July, 2017 and all attempts to bring about reconciliation between them failed. He submits that FIR, Annexure P-2, is an outcome of a marital discord, which has been settled by virtue of compromise deed, Annexure P-3, and marriage has been dissolved vide judgment and decree, Annexure A-1, by mutual consent. Still further, he submit that the permanent alimony of Rs.2 Lakhs has been paid to the complainant-respondent No.2 and the entire litigation *inter se* parties has been withdrawn.

Upon instructions received from HC, Mukesh, State counsel submits that four persons were named as accused in the FIR, but on completion of investigation, challan has been presented against the petitioner alone. Still further, she submits that after the framing of the charge, prosecution evidence is going on.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 10.12.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded. A report was called for from the Court concerned regarding the veracity of the compromise, names and numbers of accused and also as to whether any accused has been declared as a proclaimed offender. Report has been received and its relevant extract is reproduced as under:-

“In view of the joint statement made by the parties and statement of Investigating Officer, L/ASI Omi, P.S.Women, Ambala, this Court is of the view that parties

have got their statement recorded voluntarily without any undue influence or coercion. As per the joint statement of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further, there is one accused namely Deepak Sharma in the present case bearing FIR No.165 dated 10.11.2017 under Sections 223, 406, 498-A and 506 of IPC, P.S. Women, Ambala and moreover, the accused has never been declared as proclaimed offender/person.”

The genesis of the dispute between the parties is the marital discord, which has been amicably settled, and marriage has been dissolved by mutual consent.

In view of this development as well as the report of the Trial Court and the judgment of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** as well as a ***Full Bench of this Court in Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the opinion that prolonging the criminal proceedings would not serve any purpose and rather setting them aside would enable the parties to lead peaceful life.

Accordingly, the petition is allowed. FIR No.165 dated 10.11.2017, registered for offences under Sections 498-A, 406, 323 and 506 of the Indian Penal Code, 1860, at Women Police Station, District Ambala, Annexure P-2, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

25.05.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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