

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

277+124

CRM-M-52349-2021 (O & M)
Date of decision:09.08.2022

Amit Singhal

... Petitioner

Vs.

The State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Aayush Goyal, Advocate for
Mr. Vishal Aggarwal, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-28229-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 08.07.2022 passed by
Family Court, Faridabad in petition under Section 13-B of the Hindu
Marriage Act, 1955 is taken on record as Annexure P-6.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.21 dated 20.04.2018 under Sections 323, 406, 498-
A and 506 of IPC, 1860, registered at Police Station Women,
Ballabgarh, District Faridabad, Annexure P-1, alongwith all subsequent
proceedings arising therefrom, on the basis of settlement
agreement/compromise deed dated 06.12.2021, Annexure P-2, arrived at
between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant/respondent No.2 on 25.07.2015 at Faridabad and no child was born out of the wedlock. Counsel submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute between the parties, which has been settled by virtue of settlement agreement/compromise deed, Annexure P-2, arrived before the Mediation and Conciliation Centre of this Court. Counsel submits that although the first petition filed under Section 13-B of the Hindu Marriage Act, 1955, was dismissed as the second motion could not be recorded, however, a second petition was filed under the same provision, which has now been allowed vide judgment and decree, Annexure P-6. Counsel submits that the entire permanent alimony of Rs.26 lac has been paid and all the litigation *inter se* parties has been withdrawn by both the sides.

Upon instructions from HC Meena Bai, State counsel submits that matter is under investigation.

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

Heard counsel for the parties.

Vide order dated 15.12.2021, this Court directed the parties as well as Investigating Officer to appear before the Trial Court/Illaq Magistrate to get their statements recorded and a report was called for, which has been received and its relevant extract is as under:-

“(i) As per statement of SHO/IO, there were five persons arrayed as accused in the FIR. During investigation, no material was found against the four accused and now investigation is being conducted only

against the accused Amit Singhal. There is no Proclaimed Offender or absconding accused in this case.

(ii) Complainant is Ms. Kanupriya Garg. She is the aggrieved person. She has appeared before the Court of undersigned, was identified by her counsel, and statement of compromise was recorded on her voluntary statement.

(iii) The case is at the stage of investigation pending. Challan has not been filed before the court.

(iv) The compromise is genuine, voluntary and out of free will of the parties.

(v) As per statement of SHO/IO, no other case is registered against the accused.”

It is evident that FIR, Annexure P-1, is an outcome of a marital discord, which has been amicably settled and all litigation *inter se* parties has also been withdrawn. Keeping in view the above, report of the trial court as well as judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.21 dated 20.04.2018 under Sections 323, 406, 498-A and 506 of IPC, 1860, registered at Police Station Women, Ballabgharh, District Faridabad, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

09.08.2022

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(SUVIR SEHGAL)
JUDGE

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