

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

121

CRM-M-41800-2019 (O & M)

Date of decision:05.05.2022

Mohit Dua and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. M.J.S. Bedi, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Vishavdeep Rana, Advocate for
Mr. Manoj Pundir, Advocate for
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-16054-2022

Allowed as prayed for.

Judgment and decree dated 13.11.2019 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-4.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.17 dated 31.01.2017 under Sections 323, 406, 498-A, 506 and 34 of IPC, 1860, registered at Women Police Station, Gurgaon, District Gurgaon, Annexure P-1, on the basis of compromise/Memorandum of Understanding dated 23.04.2019, Annexure P-3.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the in-laws and petitioner No.4 is the brother-in-law of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 02.12.2009 and a daughter was born out of the wedlock, but due to temperamental differences, they have been residing separately since June, 2015. He submits that the dispute between the parties has been settled by virtue of Memorandum of Understanding, Annexure P-3, marriage has been dissolved vide judgment and decree, Annexure P-4, and the petitioner has paid the entire permanent alimony of Rs.15 lakh to the complainant/respondent No.2.

Upon instructions from ASI Parveen, State counsel submits that after investigation, a cancellation report has been submitted before the trial court and notice has been issued by the trial court to the complainant.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and does not dispute the statement of counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 05.11.2019, this Court directed the parties to appear before the Area Magistrate to get their statements recorded with regard to the compromise. A report was called for regarding the voluntariness of the compromise as well as as to whether any of the parties has been declared as a Proclaimed Offender and the stage of the investigation. Report has been received and its relevant extract is reproduced as under:-

“3. As per directions of the Hon'ble Punjab and Haryana High Court, Chandigarh. Complainant Charu and Accused persons Mohit, Rohit, Pritam and Bhawna came present. Statements of both the parties regarding compromise recorded and also verified the factum of compromise between the parties which was entered with free will and full sense of the parties. Same are attached herewith.

4. It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily without any pressure or coercion. It is further submitted that no accused person has been declared Proclaimed Offender in this case.”

FIR had been lodged on account of a marital discord, which has been settled and marriage has been dissolved. In the light of the above background as well as the 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 is of the view that the criminal proceedings deserve to be set aside.

Accordingly, petition is allowed. FIR No.17 dated 31.01.2017 under Sections 323, 406, 498-A, 506 and 34 of IPC, 1860, registered at Women Police Station, Gurgaon, District Gurgaon, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

05.05.2022
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(SUVIR SEHGAL)
JUDGE

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