

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265+120

CRM-M-53207-2021 (O & M)
Date of decision:03.08.2022

Akhil Gupta

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vishal Poonia, Advocate for
Mr. Sudhanshu Makkar, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. M.S. Yadav, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-26606-2022

Application is allowed as prayed for.

Certified copies of joint statement, judgment and decree dated
06.07.2022 are taken on record as Annexures P-5 to P-7 respectively.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.104 dated 13.07.2020 under Sections 120-B, 323,
406, 420, 498-A and 506 of IPC, 1860, registered at Police Station
Kalka, District Panchkula, Annexure P-1, alongwith all subsequent
proceedings arising therefrom, on the basis of compromise dated
23.11.2021, Annexure P-2, and affidavit of complainant/respondent No.2
dated 03.12.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that petitioner was married to complainant/respondent No.2 on 14.01.2019 and there is no child was born out of the wedlock. He submits that due to temperamental differences, they could not pull along and have been residing separately since 21.08.2019. He submits that FIR, Annexure P-1, which was a fallout of the matrimonial dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by mutual consent vide judgment and decree of divorce, Annexures P-6 and P-7, entire permanent alimony of Rs.8.50 lac has been paid and all the litigation *inter se* the parties have been withdrawn.

Upon instructions from ASI Paramjit Kaur, State counsel submits that 04 persons were named as accused and on completion of investigation, *challan* was presented against the petitioner, who is the husband of the complainant. She submits that charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and divorce and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 13.01.2022, parties were directed to appear before the Area Magistrate/Trial Court and to get their statements recorded and a report was called for from the trial court 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. ”

In compliance of the above order, report has been received from the trial court and its relevant extract is reproduced as under:-

“4. There is only one accused in the present case as per the report of Ahlmad whose challan has been presented in court. There is only one complainant/aggrieved. The present case is at argument on charge. Accused has not been declared proclaimed person in the said case as per the Ahlmad. The accused has also suffered a statement that no criminal proceedings is pending against him in any court of law. Since the matter has been compromised by the complainant with the accused person without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete and good in the eyes of law.”

It is evident from the above that FIR is a fallout of a marital discord, which has been settled, marriage has been dissolved and all disputes between the parties have been given a burial. In view of the above development, report of the trial court and judgments of the Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** 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 as the parties have decided to bury the hatchet, continuation of the criminal proceedings would be a futile exercise.

Accordingly, petition is allowed. FIR No.104 dated 13.07.2020 under Sections 120-B, 323, 406, 420, 498-A and 506 of IPC, 1860, registered at Police Station Kalka, District Panchkula, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

03.08.2022

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(SUVIR SEHGAL)

JUDGE

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