

CRM-M-42191 of 2019

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-42191 of 2019

Date of decision:27.05.2022

Gaurav Khattar

... Petitioner

Vs.

Suman and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Petitioner-in-person.

Ms. Deepika Bansal, Advocate for
Mr. Tarun Seth, Advocate
for respondent No.1.

Ms. Ankita Ahuja, AAG, Haryana
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.10 dated 01.03.2017 registered under Sections 498-A, 406, 506, 323, 34 of Indian Penal Code, 1860 at Women Police Station, Hisar, District Hisar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of the judgment and decree dated 25.09.2018 passed under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-2).

Petitioner, who is present in person, has filed self-attested Xerox copy of his Aadhar Card, which is taken on record. He submits that his marriage was solemnized with complainant-respondent No.1 on 09.10.2016 at Delhi, but there is no child out of the wedlock. He submits that for reasons beyond their control, differences arose between them and all

efforts at re-conciliation failed and they started residing separately since 17.01.2017. He submits that FIR (Annexure P-1) is a fallout of matrimonial dispute and a settlement has been arrived at between them, which is reflected from their joint statements recorded on 21.03.2018 and 25.09.2018 before the Family Court in a petition filed under Section 13-B of Hindu Marriage Act, 1955. By referring to judgment and decree dated 25.09.2018 (Annexure P-2), he submits that marriage has been dissolved, the disputes have been settled and nothing is due from each other. Still further, he submits that they have appeared before the Trial Court and recorded their statements in support of the compromise.

Upon instructions from L/ASI Parmila, State counsel submits that on conclusion of the investigation, final report has been submitted, charge has been framed and prosecution evidence is being recorded.

Counsel representing the complainant-respondent No.1 has admitted the factum of compromise and does not controvert the statement of the petitioner.

Heard the parties.

Vide order dated 12.02.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for from the Court concerned regarding genuineness of the compromise, as also as to whether PO proceedings are pending against any of the parties. Report has been received and its relevant extract is as under:-

“I have also heard the parties and counsels and gone through

the statements of the parties as well as compromise and in the considered view of this Court the compromise has been effected voluntarily and without any pressure and maintaining peace and relations.”

It has also been reported by the Trial Court that as per the available record, the accused has not been declared as P.O in this case.

It is evident that FIR (Annexure P-1) is emanated from the matrimonial dispute, which has been settled, marriage has been dissolved and all the disputes *inter se* parties have been amicably settled.

In view of the above background, report of the Trial Court as well as judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582 and Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court has no reservation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.10 dated 01.03.2017 registered under Sections 498-A, 406, 506, 323, 34 of Indian Penal Code, 1860 at Women Police Station, Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 27, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes