

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

246+119

CRM-M-53610-2021 (O & M)
Date of decision:07.05.2022

Parvinder Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karunesh Kaushal, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Ms. R. Akanksha, Advocate for
Mr. Abhay, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-16518-2022

Allowed as prayed for.

Judgment dated 27.01.2022 passed under Section 13-B of the
Hindu Marriage Act, 1955, is taken on record as Annexure P-4 (re-
numbered as Annexure P-6).

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.231 dated 03.07.2021 under Sections 323, 406, 498-
A and 34 of IPC, 1860, registered at Police Station City Mandi Dabwali,

District Sirsa, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 23.11.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 25.06.2015 and two daughters were born out of the wedlock. He submits that the relations between the parties became strained on account of petty issues and they have been residing separately for the last more than two years. Counsel submits that the marital dispute has been settled by a settlement agreement, Annexure P-2, arrived at before the Mediation and Conciliation Centre of this Court, marriage has been dissolved, entire permanent alimony of Rs.2.50 lakh has been paid and the litigation instituted by the complainant/respondent No.2 has been withdrawn. He submits that as per the terms of the settlement, both the daughters are in the custody of respondent No.2.

State counsel has filed reply by way of an affidavit of Deputy Superintendent of Police, Dabwali, District Sirsa, which is taken on record and upon instructions from PSI Manish Kumar, she submits that matter is under investigation.

Counsel for the complainant/respondent No.2 does not dispute the compromise and supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 11.01.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded with regard to the factum of compromise and a report was called for, which has been received and its relevant extract is reproduced as under:-

“ (i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them:

Complainant is Keematpal Kaur @ Kimatpal Kaur in the present FIR and there are three accused namely 1. Parvinder Singh, 2. Paramjeet Singh, 3. Beant Kaur in the present FIR. Complainant and all accused persons have appeared before the Court and made their statements qua compromise between the parties.

(ii) Whether any of the accused has been declared a proclaimed offender;

On the basis of statement made by accused persons, it is respectfully submitted that no accused is declared proclaimed offender/person in the present case.

(iii) The stage of trial/ proceedings;

Ahlmad has reported in this regard that the remand paper or challan/final report in present case have not (sic been) filed till date.

(iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

On 14.02.2022, both the parties appeared and their statements were recorded. Complainant Keematpal Kaur @ Kimatpal Kaur made a statement that the matter has been compromised with the accused persons voluntarily, with free consent and without any pressure/coercion and the present FIR may be quashed. Thereafter, a joint statement of accused persons namely 1. Parvinder Singh, 2. Paramjeet Singh, 3. Beant Kaur has also been recorded and they have also stated that the matter has been compromised with the complainant with free consent and without any pressure/coercion.

From the statements of both the parties, the compromise appears to be genuine, voluntary and out of free will.

Both the parties were identified by their respective learned counsels. It appears that the compromise arrived between the parties is with their own free will, is genuine and for benefit of both the parties.”

FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been voluntarily compromised, marriage has been dissolved, entire amount of permanent alimony has been paid and custody of children has been settled. In this backdrop and judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and they deserve to be set aside.

Accordingly, petition is allowed. FIR No.231 dated 03.07.2021 under Sections 323, 406, 498-A and 34 of IPC, 1860, registered at Police Station City Mandi Dabwali, District Sirsa, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

07.05.2022
sheetal

(SUVIR SEHGAL)
JUDGE

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