

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(125+261)

CRM-M-27-2022 (O&M)
Date of Decision:- 26.04.2022

Sahil Kappor and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Arora, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Mr. Rahul Makkar, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-14959-2022

Prayer in the application is for placing on record joint statement of the parties, recorded on 25.02.2022, as well as the judgment and decree passed on the same date by the Family Court, Faridabad as Annexures P-6 and P-7, respectively.

Counsel for the petitioners submits that in the petition filed under Section 13-B of the Hindu Marriage Act, 1955, the second motion was recorded on 25.02.2022, the balance payment of permanent alimony was made, the petition was preponed and the marriage has been dissolved by a judgment and decree passed on the same date.

For the reasons given in the application, it is allowed.

Annexures P-6 and P-7 are taken on record.

CRM-M-27-2022

On 06.01.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No 102 dated 16.03.2018 under Sections 323, 354-A, 377, 406, 498-A, 506, 34 IPC registered at Police Station NIT, District Fardiabad (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise deed dated 05.10.2021, which is supported by affidavits dated 06.10.2021, (Annexures P-3 & P-4) executed by petitioner No.1 and complainant/respondent No.2.

Counsel for the petitioners submits that petitioner No.1 was married to complainant/respondent No.2 on 10.12.2017 and there is no issue out of their wedlock. However, due to temperamental differences, the parties could not pull along and have been living separately since 30.01.2018. He submits that the dispute between the parties has been settled by virtue of compromise, (Annexure P-2), which is supported by affidavits of the couple, whereunder, it has been agreed that a sum of ₹7.50 Lacs will be paid by petitioner No.1 to complainant/respondent No.2 by way of permanent alimony and parties have agreed to withdraw the pending litigation. Still further, he submits that in terms of compromise, a petition seeking divorce by mutual consent has been filed under Section 13-B of the Hindu Marriage Act, 1955, first motion has been recorded, a sum of ₹4.00 Lacs has been paid and the petition is fixed for 07.04.2022 for recording of the second motion and payment of balance alimony.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, D.A.G, Haryana who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by her from P/SI Neeraj Kumar, investigation is complete and challan has been presented against all the three accused petitioners, who are on bail, under Sections 323, 406, 498- A, 506 and 34 IPC. Mr. Rahul Makkar Advocate, who has put in appearance through video conferencing on behalf of complainant/respondent No.2, admits the factum of compromise as well as the submissions made by the counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.02.2022 or any date within one month thereafter as fixed

by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 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.*

Report of Illaqa Magistrate/trial Court be awaited for 26.04.2022.”

Report has been received from the Trial Court pursuant to the above reproduced order and its relevant extract is as under:-

“(i) The FIR was registered against six accused persons, namely, Shweta @ Ruchi, Sarita, Trilochan, Sahil Kapoor, Suraj Parkash Kapoor and Kanchan Kapoor. During investigation, accused persons, namely Shweta @ Ruchi, Sarita and Trilochan were found innocent and police filed the challan against accused persons, namely, Sahil Kapoor, Suraj Parkash Kapoor and Kanchan Kapoor. As per statement of P/SI Neeraj, no accused has been declared proclaimed person in this case.

(ii) The complaint was moved by complainant, namely, Sonam Arora, daughter of Manohar Lal. She appeared and made her statement in support of compromise.

(iii) The present case is at the stage of prosecution evidence.

(iv) As per statement suffered by both the parties, it appears that compromise is genuine, voluntarily and out of free will of the parties.

(v) As per statement of P/SI, Neeraj, P.S. NIT, Faridabad, no other criminal case is pending against any of the accused.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been resolved, and the marriage of petitioner No.1 with respondent No.2 has been dissolved.

Keeping in view the judgments of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* 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 the same deserves to be set aside.

Accordingly, the petition is allowed. FIR No 102 dated 16.03.2018, registered for offences under Sections 323, 354-A, 377, 406, 498-A, 506 and 34 of the Indian Penal Code, 1860, at Police Station NIT, District Fardiabad, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

26.04.2022
Kamal

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