

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

**CRM-M No.50628 of 2019
Date of decision-09.05.2022**

Rajesh Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Yowan Sharma, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Sachin Kaushik, Advocate for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No.330 dated 23.04.2016 registered for offence under Sections 406, 498-A and 506 of Indian Penal Code, 1860 at Police Station Thanesar City, District Kurukshetra (Annexure P-1) on the basis of compromise dated 08.08.2019 (Annexure P-2).

Counsel for the petitioner submits that the marriage of petitioner was solemnized with complainant-respondent No.2 on 27.07.2014 at Kurukshetra and a daughter was born out of the wedlock. Counsel submits that due to temperamental differences between the parties, they have been living separately since 01.08.2016 and with the intervention of the relatives, a

compromise (Annexure P-2) has been arrived at between them. He submits that in terms of the compromise, marriage has been dissolved by judgment and decree dated 18.02.2020 (Annexure P-5) passed under Section 13-B of the Hindu Marriage Act, 1955 and the petitioner has paid the entire permanent alimony of Rs.4,80,000/- to the complainant-respondent No.2. He submits that the custody of the minor child is to remain with respondent No.2 as per the compromise.

Upon instructions from SI Rajbir, State counsel submits that the trial is pending and the prosecution evidence is being recorded.

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

Heard counsel for the parties.

Vide order dated 15.01.2020, this Court directed the parties to appear before the Principal Judge, Family Court, Kurukshetra to get their statements recorded regarding the compromise and a report was called for regarding the genuineness of the compromise, which has been received wherein it has been submitted that the compromise has been effected with the free will of the parties without any pressure or coercion.

FIR (Annexure P-1) is a fallout of marital discord between the parties, which has been settled and marriage has been dissolved by mutual consent. In view of the said background, report of the Family Court and judgment of the Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the opinion that continuation of the penal proceedings would be a futile exercise and interest of justice would be served in case they are set aside.

Consequently, petition is allowed. FIR (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

09.05.2022
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No