

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

125+224

CRM-M-52845 of 2019 (O&M)

Date of decision:29.07.2022

Narender Chaudhary

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nonish Kumar, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Arun Kumar, Advocate for
Mr. Vikram Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.26727 of 2022

Application is allowed as prayed for.

The order dated 17.12.2019 passed by this Court in FAO
No.2717 of 2019 is taken on record as Annexure P-4.

CRM-M-52845 of 2019

Instant petition has been filed under Section 482 Cr.P.C.,
seeking quashing of FIR No.551 dated 28.06.2018 registered under Section
498-A of Indian Penal Code, 1860 at Police Station Civil Lines, Karnal
District Karnal (Annexure P-1) and all consequential proceedings arising

therefrom, on the basis of settlement/agreement dated 03.12.2019 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 12.12.2006 and a son was born out of the wedlock. He submits that matrimonial dispute arose between the parties, which resulted into registration of the FIR (Annexure P-1). Counsel submits that dispute has been resolved by settlement/agreement (Annexure P-2) arrived at before Mediation and Conciliation Centre of this Court, whereby, it has been *inter alia* agreed that the petitioner will pay Rs.30.50 lacs to the complainant-respondent No.2 by way of permanent alimony. Counsel submits that the said amount has been paid and the marriage has been dissolved by virtue of judgment and decree passed under the Hindu Marriage Act, 1955, which was challenged by the private respondent in an appeal before this Court, but the same was withdrawn, vide order dated 17.12.2019 (Annexure P-4), Still further, he submits that in terms of the agreement, custody of the child is with the private respondent.

Upon instructions from ASI Lakhbir Singh, State counsel submits that despite the fact that charge has been framed, no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise, dissolution of marriage and the settlement of all the claims *inter se* parties.

Heard counsel for the parties.

Vide order dated 13.12.2019, this Court directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their statements in support of the compromise and a report was called for, which has been received and its relevant extract is as under:-

“In view of the statements made, the undersigned is satisfied that the compromise was entered (sic. into) by the accused with the complainant on their own free will without any pressure or undue influence of any kind from any person and the said compromise is genuine. Further except complainant Neha Chaudhary there is no other affected party.

Further your honour has also directed to report (i) whether there is any other accused other than the petitioners, arrayed in this petition? (ii) whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition? It is humbly submitted that there is no other accused other than Narender Chaudhary son of Fateh Singh arrayed in this petition who is also petitioner and there is no other complainant or affected aggrieved party other than the respondents, arrayed in the petition.”

It is evident that FIR (Annexure P-1) is an aftermath of a marital discord, which has been settled and the marriage has been dissolved.

In view of the above, report of the Trial Court and judgments of the Supreme Court in **Madan Mohan Abbot Versus State of Punjab**

(2008) 4 SCC 582 and Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322, this Court is of the view that continuation of criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.551 dated 28.06.2018 registered under Section 498-A of Indian Penal Code, 1860 at Police Station Civil Lines, Karnal District Karnal (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioner.

July 29, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes