

2023:PHHC:122317

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

236

CRM-M-19634-2022

Date of decision: 15.09.2023

DINESH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND ANR

...Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Kanish Jindal Advocate and  
Mr. Rishav Jain, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

\*\*\*\*

NIDHI GUPTA, J.(ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.1120 dated 10.12.2016 under Sections 323, 354 (A)(I), 498-A of IPC (Section 354 (A)(I) of IPC was deleted and Section 406 of IPC added later on), registered at Police Station Ballabgarh City, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide last order dated 13.07.2023, learned State counsel had sought time to verify whether respondent No.2/complainant/wife of the petitioner has expired or not. Learned State counsel refers to the reply dated 04.09.2023 filed by way of affidavit of Munish Sehgal, HPS, Assistant Commissioner of Police, Ballabgarh, District Faridabad, wherein in para 9 of the reply, it has been stated that respondent No.2 has expired and death certificate of the complainant/respondent No.2 is attached as Annexure R-1.

Para 10 of reply also shows that prior to the death of complainant/respondent No.2, she had entered into compromise with the petitioner and had settled the matrimonial dispute

Learned counsel for the petitioner submits that first motion statement under Section 13-B of Hindu Marriage Act has been recorded before the learned Family Court, Faridabad on 25.01.2022 and in pursuance thereof payment of Rs.6 Lakhs has been made to the respondent No.2/complainant and Rs.5 Lakhs to the minor child of the parties. Learned counsel submits that prior to the recording of the statements in second motion, respondent No.2 has expired in the meantime on 07.04.2022.

I have heard the learned counsel for the parties.

In view of the above admitted factual position, the present petition is allowed and FIR No.1120 dated 10.12.2016 under Sections 323, 354 (A)(I), 498-A of IPC (Section 354 (A)(I) of IPC was deleted and Section 406 of IPC added later on), registered at Police Station Ballabgarh City, District Faridabad (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

**September 15, 2023***nisha-II***(NIDHI GUPTA)  
JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No