

2024:PHHC:097193



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278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5079-2024 (O&M)
DATE OF DECISION : 30.07.2024

VIKRAM MATTA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Deepam Ragav, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, DAG Haryana.

Mr. Rahul Rana, Advocate for respondent No.2.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 64 dated 14.12.2020, under Sections 323, 34, 498-A, 506 IPC, 1860 registered at Women Police Station, District Fatehabad and all consequential proceedings arising therefrom on the basis of the compromise deed dated 08.01.2024 (Annexure P-4) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2 due to matrimonial dispute, which stands settled now. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 15.07.2024 passed by the learned Principle

Judge, Family Court, Fatehabad.



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[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties.

[4] On 23.04.2023, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements.

[5] As per the report dated 16.05.2024 of the learned Chief Judicial Magistrate, Fatehabad the statements of the parties have been recorded and he has submitted his report, the relevant portion whereof reads as under:-

“(i) that in the present case, five persons were named as accused but during investigation conducted by Sh. Daljeet Singh, DSP, Fatehabad, the named persons Rakesh Matta, Poonam, Namita Chadda and Kunal Chadda were found innocent. There is only one accused in this case namely, Vikram Matta son of Suresh Matta, resident of H. No. D33, 3rd Floor, Sector-8, Dwarka, New Delhi and he is never declared as proclaimed offender,

(ii) that there is only one complainant/injured/aggrieved in this case namely, Meenakshi daughter of Surender Sethi, resident of near G.G. School, Bhuna,

(iii) that there was no other criminal case registered or pending against accused Vikram Matta.

Accordingly, my point-wise report is as under:

(1) The number of accused arraigned in the FR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case.

There is only one person namely, Vikram Matta son of Suresh Matta, resident of H.No. D33, 3rd Floor, Sector-8, Dwarka, New Delhi, arrayed as accused in the final report of this FIR and he was never declared as proclaimed



person/absconder, in this case.

It is pertinent to mention here that in the present case, five persons were named as accused in the complaint but during investigation, the named accused persons Rakesh Matta, Poonam, Namita Chadda and Kunal Chadda were found innocent and final report was not filed against them.

(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.

There is only one complainant/injured/aggrieved in this case namely, Meenakshi daughter of Surender Sethi, resident of near G.G. School, Bhuna and she appeared and made statement in support of her compromise.

(3) The stage of trial/proceedings pending.

The case is fixed for prosecution evidence.

(4) If the compromise is genuine, voluntary and out of free will of the parties.

The compromise appears to be genuine, voluntary and out of free will of the parties.

(5) Whether any other criminal case pending against the accused.

No.”

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] The matrimonial dispute between the parties stands settled. Keeping in view the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in



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Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No. 64 dated 14.12.2020, under Sections 323, 34, 498-A, 506 IPC, 1860 registered at Women Police Station, District Fatehabad and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 08.01.2024 are violated.

[10] Pending miscellaneous application(s), if any, shall also stand disposed of.

30.07.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No