

CRM-M-14055-2024 (O&M) - 1 -

2023 : PHHC : 046831

120

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14055-2024 (O&M)

Date of Decision: 05.04.2024

AKHIL

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ankit Chaudhary, Advocate for
Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Paritosh Vaid, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 74 dated 14.04.2022, registered at Police Station Women, Jind, Tehsil and District Jind under Sections 323, 34, 377, 406, 498-A and 506 IPC (subsequently Sections 377 and 34 IPC has been deleted) on the basis of compromise deed dated 11.01.2024 (Annexure P-2) between the parties.

[2] It is contended that subsequently Section 377 and 34 IPC have been deleted during the investigation.

[3] Learned counsel for the petitioner *inter alia* contends that the FIR was registered by respondent no.2 due to matrimonial dispute *inter se* petitioner and respondent No.2. Their marriage was solemnized on 20.10.2021. No child was born out of the wedlock. The FIR was registered against 3 persons. The other 2 persons i.e. father-in-law Har Gyan and

mother-in-law Indravati were found innocent during the investigation. Now the petitioner and respondent No.2 have finally resolved their matrimonial dispute and mutual compromise deed dated 11.01.2024 (Annexure P-2) has been executed between the parties, as per which both the parties have decided to separate and have filed a joint petition under Section 13-B of the Hindu Marriage Act. The issue of maintenance has also been finally settled and the petitioner has agreed to pay a sum of Rs. 10 Lakhs to respondent No.2, out of which a sum of Rs. 5 Lakhs has already been received by respondent No.2 and the remaining amount would be paid on the next date of hearing at the time of recording the statement of 2nd motion which is fixed for 11.07.2024 at Family Court, Jind.

[4] Learned State counsel has filed the status report and has not raised any objection regarding the acceptance of the present petition.

[5] Learned counsel for respondent No.2 has also not raised any objection if the aforesaid petition is allowed.

[6] I have heard the counsel for the parties and gone through the paper-book.

[7] Though as per the FIR, there were allegations against the petitioner regarding molesting other minor girls by inviting them at home. These allegations are levelled at the instance of respondent No.2-wife. The names of no such girls are mentioned in the FIR. Learned State counsel has informed that the said allegations were enquired into even during the investigation and also during another enquiry which was conducted by Deputy Superintendent of Police, Jind. Statement of 10 persons on the side of the complainant and 13 persons on the side of the accused party were recorded and no evidence was found to sustain the charges under Section

377, 34 IPC and also with regard to allegations that petitioner was having relationship with any other girl.

[8] It has been mentioned in the status report that as per the opinion of the Medical Officer/Surgeon dated 20.04.2020 regarding the unnatural sex, no anal tone, no tissue/fistula and no active bleeding was found.

[9] Learned State counsel referring to para 10 of the status report further contends that during the investigation, no evidence to sustain the allegations of inviting minor girls studying in 7th class came on record. Challan/report under Section 173(2) Cr.P.C. was only presented against the petitioner under Sections 498-A, 406, 506, 323 IPC.

[10] I have given thoughtful consideration to the matter.

[11] Since it is a matrimonial dispute, which has now been resolved; qua the other allegations regarding the offence under Section 377 IPC, no medical evidence has been found. The parties want to give quietus to their litigation by way of separating mutually and as such, further proceeding with the present FIR is not in the interest of justice.

[12] Keeping in view the facts and circumstances of the case, 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 **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.

[13] Consequently, this petition is allowed and FIR No. 74 dated

14.04.2022, registered at Police Station Women, Jind, Tehsil and District Jind under Sections 323, 34, 377, 406, 498-A and 506 IPC (subsequently Sections 377 and 34 IPC has been deleted) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[14] 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 (Annexure P-2) are violated.

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

05.04.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No