

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34038-2022 (O&M)
Date of decision: 28.05.2024

AJAY ANAND AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mahir Sood, Advocate with
Mr. Ashutosh Pandey, Advocate
for the petitioners.
Mr. Vikas Bhardwaj, AAG Haryana.
None for respondent No. 3.

HARPREET SINGH BRAR J. (ORAL)

1. This second petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.20 dated 16.01.2019 under Sections 498-A, 406, 377 and 34 of the Indian Penal Code, 1860 registered at Police Station NIT Faridabad District Faridabad, and all other consequential proceedings arising therefrom. First petition was dismissed as withdrawn on 07.04.2022.
2. Office report indicates that respondent No. 3 has been duly served. However, there is no representation on her behalf. As such, this Court is left with no option, but to decide the present case on its own merits.
3. Learned counsel for the petitioners *inter alia* contends that the FIR (supra) was registered due to the matrimonial discord between petitioner No.1 and respondent No. 3 and thereafter during mediation proceedings a settlement/agreement had been arrived at between petitioner No. 1/husband-Ajay Anand and the complainant/wife-Ankita Verma-respondent No. 3, wherein in principle it has been decided that parties will part ways and



file a petition under Section 13-B of Hindu Marriage Act. It was further settled that petitioner No. 1 would pay total amount of Rs. 17,00,000/- towards the full and final settlement as maintenance for the wife and minor daughter. It was further agreed that criminal cases shall not be pursued by the complainant/respondent No. 3 and she shall have no objection for quashing of the above mentioned FIR on the basis of said agreement/settlement dated 18.02.2020 (Annexure P-2). It is further contended that the entire dispute stands resolved and the complainant has already acted upon the compromise and has obtained the decree of divorce, by way of mutual consent vide judgment and decree dated 23.08.2021 passed by learned Additional Principal Judge, Family Court, Faridabad.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that petitioner No.1 and respondent No.3 have obtained a decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act on 23.08.2021.

5. The Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agarwal and others, 2004(4) RCR (Criminal) 949*** and ***Mohd. Shamin vs. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697*** has categorically held that FIR is liable to be quashed when the parties have already entered into compromise and have obtained decree of divorce by way of mutual consent. The parties have performed their obligations under the settlement and the action of the respondent No.3-wife, who is not withdrawing her case under Section 498-A and 406, 377 and 34 of IPC is liable to be quashed.

6. The relevant portion cited in judgment of Ruchi Agarwal (supra) is reproduced hereinbelow:

“...Therefore, we are of the opinion that the appellant having received the relief the wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.
8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue...”

Reliance in this Regard is also placed upon the judgments passed by this Court in **Deepak Arora vs. State of Haryana and another 2015(7) RCR (Criminal) 649**, **Vermuri Shyam Parshad vs. State of Haryana** and another in case bearing No. **CRM-M-37423 of 2019**, **Sukhwinder Singh and others vs. State of Punjab and another** bearing No. **CRM-M-22240 of 2014** and the judgment passed by the Hon’ble Supreme Court in **State of Karnataka vs. L. Muniswamy and others, AIR 1977 SC 1489**.

7. Accordingly, the present petition is allowed and FIR No.20 dated 16.01.2019 under Sections 498-A, 406, 377 and 34 of the Indian Penal Code, 1860 registered at Police Station NIT Faridabad District Faridabad along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

May 28, 2024 <i>Ajay Goswami</i>	(HARPREET SINGH BRAR) JUDGE
(i) Whether speaking/reasoned	Yes/No
(ii) Whether reportable	Yes/No