

CRM-M-49362-2022
Date of decision: 04.04.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Susheel Gautam, Advocate for the petitioner No.1.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Ram Pal Verma, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of FIR No.0728 dated 01.11.2021 registered under Sections 323/354/406/498-A/506/34 IPC at Police Station Chandni Bagh, Panipat, District Panipat (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 23.05.2022 (Annexure P-2).

2. The following order was passed on 06.12.2022 :-

“At the outset, counsel for the petitioners submits that petitioner No.1 has joined the investigation and petition seeking anticipatory bail (CRM-M-2645-2022) has been allowed and interim order has been made absolute by this Court on 05.12.2022.

Upon instructions from ASI Rishi Pal, State counsel submits that petitioners No.2 to 8 have been found innocent during investigation.

Faced with this development, counsel for the petitioners seeks and is granted permission to withdraw petition insofar as petitioners No.2 to 8, are concerned.

Dismissed as withdrawn qua petitioners No.2 to 8.

Instant petition has been filed under Section 482 Cr.P.C, seeking quashing of FIR No.0728 dated 01.11.2021 registered under Sections 323, 406, 354, 498-A, 506, 34 of Indian Penal Code, 1860 at Police Station Chandnibagh, Panipat, District Panipat (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise dated 23.05.2022 (Annexure P-2).

Counsel for petitioner No.1 submits that FIR (Annexure P-1), which is an outcome of a matrimonial dispute, has been amicably settled by compromise (Annexure P-2) and a petition seeking divorce by mutual consent has been instituted.

Notice of motion.

On asking of the Court, Ms. Ankita Ahuja, AAG, Haryana accepts notice on behalf of respondent No.1-State. As per her instructions received from ASI Rishi Pal, she submits that challan has been prepared.

Mr.Ram Pal Verma, Advocate, who appears on behalf of the complainant-respondent No.2, has admitted the factum of compromise and submits that complainant has received part payment of permanent alimony.

Parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 19.01.2023 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 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;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Trial Court/Area Magistrate be awaited for 03.07.2023.
Judgment and decree of divorce, if passed, be placed on record before the next date.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.
4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.0728 dated 01.11.2021 registered under Sections 323/354/406/498-A/506/34 IPC at Police Station Chandni Bagh, Panipat, District Panipat (Annexure P-1 and all subsequent proceedings arising out of the same are quashed, qua the petitioner No.1 only.

April 04, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |