

CRM-M-58751-2022

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2024:PHHC:057327

283 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58751-2022

DATE OF DECISION:-24.04.2024

Nupur Saigal @ Nupur Bahri

...Petitioner

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tanmoy Gupta, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Naman Gupta, Advocate,
for respondent No.2.

Mr. Deepak Aggarwal, Advocate,
for applicant (in CRM-23072-2023).

HARKESH MANUJA, J. (Oral)

CRM-23072-2023

Prayer in this application is for impleading applicant-Joy Dua as party in the present petition.

I have heard learned counsel for the parties and gone through the contents of the application.

Though, by way of present application a serious opposition has been made on behalf of the applicant to the prayer made in the main petition while submitting that the compromise arrived at between petitioner and respondent No.2, in the absence of applicant is apparently a collusion them and would cause serious prejudice to the rights of the applicant, however,

the said plea of the applicant is liable to be rejected, for the reasons that for the better future of the parties, who were facing long drawn matrimonial litigation besides keeping in view the future of their kids litigation between them needs to be given a quietus. Moreover, once, the parties have settled their differences with an intent to move ahead in life, in terms of compromise, the continuation of FIR in question would cause serious prejudice to their rights, besides even the future of their kids as well, thus, application needs to be declined. Otherwise also, the applicant has already availed his separate remedy by way of filing CRM-M-21431-2023. Accordingly, the present application is dismissed.

Main case

1. By way of present petition filed under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.688, dated 22.10.2021, registered under Sections 323, 341, 355, 452, 506, 511, 307 and 120-B IPC, registered at Police Station Sector 7, Faridabad (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 02.06.2022 (Annexure P-2).

2. The FIR in question, is an offshoot of matrimonial discord between petitioner (wife) and respondent No.2-complainant(husband), who have now mutually agreed to part their ways.

Though, as per allegations, total 02 persons were involved in the present FIR, however, present petitioner has filed the present petition, whereas, other accused has filed separate petition bearing CRM-M-21431-2023 for similar relief.

3. In pursuance of order dated 05.05.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting

their statements recorded as regards the veracity of compromise arrived at between them, a report dated 24.07.2023 has been received from the concerned Court, stating that the compromise entered between Napur Saigal @ Nupur Bahri and Manu Saigal is genuine and voluntary. No other criminal proceeding is pending against the present petitioner.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R.***

(Criminal) 589 and this Court in **Joginder Singh & another Vs. State of Punjab and another**, passed in CRM-M-23739- 2010 decided on 27.04.2011, **Rajinder Singh Vs. State of Punjab & another**, passed in **CRM-M- 37395-2016** decided on 16.05.2017 and **Vimal Kalra & others Vs. State of Punjab & another**, passed in **CRMM-20355-2022**, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.688, dated 22.10.2021, registered under Sections 323, 341, 355, 452, 506, 511, 307 and 120-B IPC, registered at Police Station Sector 7, Faridabad as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed, however, subject to providing equipment as mentioned below to the Civil Hospital, Faridabad, within a period of three weeks from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Haryana at the earliest for maintaining records in this regard.

Sr. No.	Name of Equipment	Qty
1	Yuwell Suction Machine 20 LPM	2
2.	Yuwell Fumigation Fogger Machine 5 ltr.	2

24.04.2024
sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No