

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10608-2015

Date of Decision: August 13, 2015

ROHIT DHAWAN AND OTHERS

....PETITIONERS

VS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr. Sachin Jain, Advocate
for respondent No.2.

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the digest?

Naresh Kumar Sanghi, J. (Oral)

Prayer in this petition filed under Section 482 of
Code of Criminal Procedure (for brevity ' Cr.P.C.'), is for quashing of

FIR No.480, dated 29.09.2014, for the offences punishable under Sections 406, 498-A and 506, IPC, registered at Police Station, DLF, Phase II, District Gurgaon, on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners submits that on account of temperamental differences, petitioner No.1 and respondent No.2 could not pull on well and ultimately the matter was reported to the police resulting into registration of impugned FIR. Due to intervention of the Mediator of Mediation & Conciliation Centre of this Court, better sense has prevailed and respondent No.2 has sorted out her all disputes with petitioner No.1 and effected a compromise (Annexure P-2). All the terms and conditions of the said compromise, except payment of ₹ 5,00,000/- (Rupees five lacs only) to be paid before learned District Judge, Family Court, Gurgaon have been materialised. He, further, submits that pendency of the impugned FIR and consequential proceedings emanating therefrom would be a sheer abuse of process of law. He prays that the criminal proceedings be quashed.

Learned counsel for the State submits that the criminal case has arisen out of a matrimonial dispute. As per the compromise (Annexure P-2), private parties have resolved their all disputes, therefore he has no objection, if the impugned FIR and

consequential proceedings arising therefrom are quashed.

Mr. Sachin Jain, learned counsel representing respondent No.2-informant has also very fairly agreed that in view of the compromise (Annexure P-2), impugned FIR may be quashed. He, further, submits that petitioner No.1 i.e. husband of respondent No.2, should not interfere into the peaceful life of respondent No.2 during the pendency of litigation between them or thereafter.

Learned counsel for the petitioner submits that he has instructions to state at bar that the petitioner or his family members would not tease or do anything, which may annoy respondent No.2.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The present litigation has arisen out of a matrimonial dispute. Petitioner No.1 (husband) and respondent No.2(wife) have resolved their all differences due to counselling of Mediator of Mediation & Conciliation Centre of this Court.

Compromise (Annexure P-2) has been scribed with the concurrence of both the parties. Learned counsel for the parties are *ad idem* that the impugned FIR be quashed on the basis of compromise.

In the matter of **Kulwinder Singh & others Vs. State of Punjab and another, 2007(3) RCR(Criminal) 1052** by a five-Judge

Bench of this Court and in the matter of **Gian Singh Vs. State of Punjab and another, 2012(4) RCR(Criminal) 543**, Hon'ble the Supreme Court has ruled that on account of the compromise effected between the parties, even if the offences are non-compoundable, the proceedings can be quashed.

This Court is satisfied that petitioners have resolved their dispute with respondent No.2 and effected a compromise (Annexure P-2) and, as such, the pendency of the impugned FIR and consequential proceedings arising therefrom, would be a sheer abuse of process of law.

Resultantly, FIR No.480, dated 29.09.2014, registered at Police Station, DLF, Phase II, District Gurgaon for the offences punishable under Sections 406, 498-A and 506, IPC and all the consequential proceedings emanating therefrom are hereby quashed.

It is expected that private parties would behave properly during pendency of the petition before learned District Judge, Family Court, Gurgaon, and even thereafter.

(NARESH KUMAR SANGHI)
JUDGE

August, 13, 2015
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