

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11334 of 2015

Date of decision: July 16, 2015.

Tarun & Others

... **Petitioners**

v.

State of Haryana & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri S.K. Panwar, Advocate, for the petitioners.
Ms. Neelam Kashyap, Deputy Advocate General, Haryana
for respondent No.1.
Shri Mohan Singh Rana, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 329 dated 28.7.2014, registered under Sections 498-A, 323, 406, 506 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Pataudi, District Gurgaon (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 31.3.2015 (Annexure P2).

2. Vide order dated 11.5.2015, a Coordinate Bench of this Court has directed the parties to get their statements recorded before the trial court/Illaq Magistrate. The learned Magistrate was also directed to send its report with regard to the validity or otherwise of the compromise after

recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned ACJ(sr. Div.)-cum-Sub Divisional Judicial Magistrate, Pataudi through the learned District & Sessions Judge, Gurgaon along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“... the statement of complainant Smt. Leena and accused Tarun, Hari Chad, Smt. Parmeshwari, Rishabh, Madhu and Ranju with regard to compromise was recorded. To ensure voluntary nature of compromise prior to recording the compromise, they were given time to think whether they want to get their statement recorded or not. They have entered into compromise Ex.C1 and have submitted that the compromise so executed is without any external coercion or pressure. In the considered opinion of the court, the compromise so recorded is genuine and is executed voluntarily. It is also submitted that so far only FIR bearing no.329/14 under section 498-A, 406, 323, 506 IPC is lodged against the accused and investigation is pending and no accused is proclaimed offender in the present case.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R.***

(Criminal)9 (SC) and also by Full Bench of this Court in *Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052*.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel, however, it is contended on their behalf that mere compromise between the parties is not a mitigating circumstance to grant the desired relief, the offence being non-compoundable and non-bailable. The respondent-State has, thus, strongly resisted the prayer for quashing of the impugned FIR and have sought consequential dismissal of the petition. Learned counsel for respondent No.2 has fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the FIR has its genesis in a matrimonial discord between the husband, petitioner no.1 herein, and his wife, respondent No.2, which has prompted the respondent-wife to complain against the entire family of her in-laws alleging cruelty, harassment, physical torture and demand of dowry, in particular a vehicle and Rs.10 lacs in cash.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 329 dated 28.7.2014, registered under Sections 498-A, 323, 406, 506 IPC at Police Station Pataudi, District Gurgaon (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 16, 2015.
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[Darshan Singh]
Judge