

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

236

**Criminal Misc. No.M-1266 of 2015
Date of Decision: 25th August, 2015**

Kamal Saini

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No
2. To be referred to reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

None for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Kamal Saini for quashing of FIR No.287 dated 24.03.2014, registered under Sections 354A, 354D, 506 IPC at Police Station City Gurgaon, District Gurgaon, on the basis of compromise arrived at between the parties.

The FIR was registered on the basis of statement made by Rambir Sharma-respondent No.2. As per allegations made in the FIR, the petitioner used to send vulgar messages from his mobile and teased his daughter and on refusal of his daughter, the petitioner threatened to kill her as well as her family

members.

Learned counsel for the petitioner submits that during pendency of the proceedings, a compromise was arrived at between the parties. He further submits that the petitioner and respondent No.3 are now residing together as husband and wife. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioners.

Notice of motion was issued on 14.01.2015 and the parties were directed to appear before the trial Court/Illaq Magistrate on 19.02.2015 for recording of their statements with regard to compromise. The trial Court/Illaq Magistrate was also directed to send a report to show as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

As per report sent by Chief Judicial Magistrate, Gurgaon, the parties did not appear on 19.02.2015 and therefore, their statement could not be recorded.

Vide order dated 31.03.2015, the parties were again directed to appear before the trial Court/Illaq Magistrate on 21.04.2015 for recording of their statements with regard to compromise.

In pursuance to order dated 31.03.2015, a report dated 21.04.2015 has been sent by Chief Judicial Magistrate, Gurgaon wherein it has been mentioned that the parties again did not appear on the date fixed i.e. 21.04.2015.

On the next date of hearing i.e. 08.05.2015, learned counsel for the petitioner stated that the statement of the complainant, namely, Neha Sharma

has already been recorded and the case was fixed for hearing on 12.05.2015 by passing the following order:

“The instant order may be read in continuation of the order passed by this Court on the last date of hearing i.e. on 08.05.2015.

Counsel for the petitioner has produced in Court today certified copies of the statements of Rambir-complainant, Neha daughter of Rambir as also of the accused Kamal, that have been recorded before the JMIC, Gurgaon on 21.4.2015. Counsel has also produced certified copy of the report dated 21.4.2015 of Aparna Bhardwaj, JMIC, Gurgaon, which in itself would reflect that the statements of the parties were duly recorded. Such documents are taken on record and marked as mark 'A' (colly).

Strangely, there is also a communication dated 23.4.2015 from the District & Sessions Judge, Gurgaon and is placed on record, which is accompanied by report dated 21.4.2015 of Rajesh Sharma II, CJM, Gurgaon and in terms of which the parties never appeared on the date i.e. 21.4.2015 and as such never got their statements recorded.

List on 25.5.2015.

Registry is directed to get a report from the District & Sessions Judge, Gurgaon to explain such state of affairs.”

Meantime, the District and Sessions Judge, Gurgaon has sent report vide letter dated 07.05.2015 submitted by Civil Judge(Jr. Division)-cum-Judicial Magistrate Ist Class, Gurgaon wherein it has been mentioned that the

parties have appeared on 21.04.2015 and their statements were recorded. A report has been sent by the Judicial Magistrate Ist Class, Gurgaon, wherein, the factum of compromise has been affirmed. The parties to the dispute have specifically stated in their statements that the compromise has arrived at between them and now they do not want to proceed further with the proceedings. Neha Sharma-respondent No.3 has specifically stated in her statement that with the intervention of the respectables and relatives, the dispute between them has been settled and she has no objection in quashing of the FIR. It has also been mentioned therein that she does not want to continue with the proceedings and further statement of respondent No.2-complainant, father of the girl has also been recorded wherein it has been stated that the dispute between the parties has been settled and he has no objection in quashing of the FIR and other proceedings arising therefrom. Statement of the petitioner has also been recorded wherein it has been stated that a compromise has been effected between them and he got married with respondent No.3. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Judicial Magistrate Ist Class, Gurgaon, it is clear that the dispute between the parties has been settled.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise, the continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and it would not only be mere wastage of the time of the Court but it would also not be

in the interest of both the parties. The purpose of compromise is to maintain peace and harmony in the relations. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

In view of the compromise arrived at between the parties and keeping in view the fact that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.287 dated 24.03.2014, registered under Sections 354A, 354D, 506 IPC at Police Station City Gurgaon, District Gurgaon, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Kamal Saini are hereby quashed.

August 25, 2015
sonia g.

(DAYA CHAUDHARY)
JUDGE