

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

CRM-M No.14548 of 2014
DATE OF DECISION:15.01.2015

R. Balaganeshan & ors.

...Petitioners

Vs.

State of Haryana & anr.

...Respondents

CORAM:- HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Saurabh Arora, Advocate
for the petitioners.

Mr. Gurdas Singh, DAG, Haryana.

Mr. Rohit Rana, Advocate, for
Mr. Kunal Dawar, Advocate,
for respondent No.2.

Prayer in this petition is for quashing of FIR No.301, dated 24.08.2007, under Sections 323, 406, 498-A, 506 read with Section 34, IPC, registered at Police Station, Sector 5, District Gurgaon, and Execution Petition No.178DJ/FC/2010, District Gurgaon and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated, 13.10.2014, the affected parties were directed

to appear before the learned trial Court to get their respective statements

recorded with regard to the compromise in the FIR related case. The said Court was also directed to send the copies of the statements and the report before this Court.

In compliance of the above, the petitioners (four in number) as well as respondent No.2-complainant Smt. Savita did appear before the trial Court. Respondent No.2-complainant Smt. Savita stated that she had effected a compromise with the accused. The petitioners had paid her Rs.15 lacs till that date and remaining amount of Rs.3 lacs would be paid by the petitioners at the time of second motion of the divorce petition. She further stated that she had no objection in quashing of the impugned FIR. Similar joint statement was suffered by the petitioners.

A perusal of the report received from learned Judicial Magistrate First Class, Gurgaon dated 20.11.2014 reveals that the said Court was satisfied of the validity and genuineness of the compromise arrived at between the parties.

The learned counsel for the private parties submit that the present criminal litigation has arisen out of a matrimonial dispute and after registration of the FIR the better sense has prevailed and the affected parties have resolved their all disputes due to intervention of the respectable and elderly people of the society. In consonance with the

compromise, a petition under Section 13B of the Hindu Marriage Act, 1955 for grant of a decree of divorce by mutual consent was

presented before Learned District Judge, Family Court, Gurgaon in which first motion has already been issued and the said case is now fixed for 01.05.2015 for second motion except the payment of Rs.3 lacs. The terms and conditions of the compromise have been materialized. The due amount of Rs. 3 lacs shall be paid to the respondent No.2-complainant on the date of second motion i.e. 01.05.2015. He further submits that in view of compromise effected between the parties, the pendency of the impugned FIR and consequential proceedings arising therefrom shall be abuse of the process of law since chances of conviction and sentence of the petitioners are bleak. In support of his contention the learned counsel has placed reliance on **B.S.Joshi Vs. State of Haryana, 2003(2)RCR Criminal 888.**

Learned State counsel has gone through the copies of the statements and the report received from the learned Court _ below and states that the compromise has been effected between the parties on the basis of compromise.

Learned counsel for the respondent No.2/complainant very fairly concedes that all the terms and conditions of the compromise except payment of Rs.3 lacs have been materlized and the first motion in the divorce petition has already been issued and the said case is now fixed for 01.05.2015 for second motion before the learned District Judge. He

further contends that the respondent No.2-complainant, who suffered the statement before learned trial Court with regard to execution of the terms and conditions of the compromise, has instructed him to accord his no objection regarding quashing of the impugned FIR and consequential proceedings emanating therefrom.

After hearing learned counsel for the parties and going through the material on record, FIR No.301, dated 24.08.2007, under Sections 323, 406, 498-A, 506 read with Section 34, IPC, registered at Police Station, Sector 5, District Gurgaon and consequential proceedings emanating therefrom are hereby quashed.

15.01.2015
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(NARESH KUMAR SANGHI)
JUDGE