

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

**CRM-M-16423-2015
Date of Decision: November 02, 2015**

Satish Kumar and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Balraj Singh Sidhu, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

Mr. Gurmeet Singh Saini, Advocate
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 172, dated 29.05.2014, for the offences
punishable under Sections 323, 406, 498-A, 504 and 506 read
with Section 34 IPC, registered at Police Station, City Mandi
Dabwali, District Sirsa and all the consequential proceedings
arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 19.05.2015, this Court had passed

the following order :-

“Notice of motion for 2.11.2015.

Meanwhile, parties are directed to be present before the learned trial Court/Illaqa Magistrate on 8.7.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing.”

In compliance of the above, petitioners (four in number) as well as respondent No.2-informant namely, Mona Kaur, did appear before the Court below and got recorded their respective statements with regard to the compromise.

Joint statements of the parties was recorded, which when translated into English, reads as under:-

“Stated that mutually we have effected the compromise with the intervention of the Panchayat which bears our signatures.

Now we are living separately. Compromise is Ex.C1. The compromise has been effected with our consent and without any pressure. The case be decided as per the compromise. No other case is pending between the parties."

The report received from the learned Sub Divisional Judicial Magistrate, Dabwali is as under :-

"In compliance order dated 19.05.2015 passed by Hon'ble Justice Mahesh Grover, Judge of Hon'ble Punjab & Haryana, Chandigarh in Crl. Misc. No.M-16423 of 2015, I have the honour to submit that Mona, complainant and accused Satish Kumar, Madan Lal, Rani Devi and Suraj Bajaj in this case appeared before this Court today i.e.13.07.2015 and placed on record compromise Ex.C1. Their joint statement has been recorded. From their statement, this Court is of the view that compromise has been arrived at between them voluntarily and with their free will and no other case is pending either against the complainant or the accused persons. Copy of their statement alongwith compliance report be put up before His Lordship for perusal."

Mr. Tiwari, learned counsel for the State, has gone through the statements suffered by the parties and the report

received from learned Sub Divisional Judicial Magistrate, Dabwali and has no objection, if the present criminal litigation arising out of the matrimonial dispute is terminated on the basis of compromise.

Learned counsel for respondent No.2-informant has also admitted the factum of the compromise and has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed on the basis of compromise.

Learned counsel for the petitioners submits that the pendency of the impugned FIR and consequential proceedings arising therefrom, would be sheer abuse of the process of law, since the husband and wife have decided to part ways and a decree of divorce has already been passed. He further submits that all the terms and conditions of the compromise (Annexure P-2) have been materialized.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances of the case and the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S.Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, present petition is accepted and FIR No. 172, dated 29.05.2014, for the offence punishable under Sections 323, 406, 498-A, 504 and 506

read with Section 34 IPC, registered at Police Station, City Mandi Dabwali, District Sirsa and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

November 02, 2015
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