

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

CRM-M-20760-2015

Date of Decision: November 28, 2015

Raman Bhatia and anotherPetitioners

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Munish Kumar Garg, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl.AG, Punjab.

None for respondent No.2.

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- 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, Cr.P.C.,
is for quashing of FIR No. 103, dated 06.03.2013, for the offences
punishable under Sections 406, 498-A and 506, IPC, registered at

Police Station, Palam Vihar, Gurgaon (Annexure P-1) and the consequential proceedings arising therefrom, on the basis of compromise.

Vide order, dated 01.07.2015, the affected parties were directed to appear before learned trial Court/Area Judicial Magistrate on 18.07.2015, for getting their statements recorded with regard to compromise. The said Court was directed to send the report alongwith copies of the statements of the parties.

In compliance of the above, respondent No. 2/aggrieved person, Pooja Bhatia, as well as the petitioners did appear before the Court below and suffered their respective statements with regard to compromise.

In her statement before learned Judicial Magistrate, First Class, Gurgaon, Pooja Bhatia stated on oath that she had effected a compromise with accused, Raman Bhatia, and his mother, Raj Rani Bhatia. She had received the settled amount by way of bank draft before the learned Family Court. It was also deposed by her that she had entered into a compromise with her own sweet will and without any pressure from any corner. She also deposed that she did not want to continue with the case

pending against the petitioners and that she had no objection, if the FIR No. 103, dated 06.03.2013, was quashed by the High Court (this Court).

The similar statements, admitting the factum of compromise, were suffered by petitioners.

The operative part of the report received from learned Court below reveals that the statements of the parties to the case were recorded out of their free will and the Court was satisfied that the same had been made voluntarily.

Learned counsel for the State after going through the statements and the report received from learned Court below has no objection, if the impugned FIR and consequential proceedings arising from the matrimonial dispute are quashed on the basis of compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the present criminal litigation has emanated on account of a matrimonial dispute. The better sense has prevailed and both the parties have resolved all their disputes and effected a

compromise. As a sequel of the same, a petition under Section 13-B of Hindu Marriage Act was presented before learned District Judge, Gurgaon, and the same was accepted. A decree of divorce was granted. All the terms and conditions of the compromise, so effected between the parties have been materialised and, as such, the pendency of the impugned FIR and consequential proceedings would be sheer abuse of the process of law.

As a sequel to the above and while taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of Gian Singh v. State of Punjab, 2012 (4) RCR (Criminal) 543 and a 5-Judge Bench judgment of this Court in the matter of Kulvinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052, the present petition is allowed and FIR No. 103, dated 06.03.2013 (Annexure P-1), for the offences punishable under Sections 406, 498-A and 506, IPC, registered at Police Station, Palam Vihar, District Gurgaon, and the consequential proceedings arising therefrom, are hereby quashed.

November 28, 2015**(NARESH KUMAR SANGHI)****apurva****JUDGE**