

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

**Date of decision: 22.10.2016
CRM No. M-35976 of 2015**

1.

Simranjeet Singh Kanwar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

2.

CRM No. M-17689 of 2015

Simranjeet Singh Kanwar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Bajaj, Advocate,
for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

Mr. Kunal Dawar, Advocate,
for the complainant.

Ritu Bahri, J.

By this common order, Crl. Misc No. M-35976 of 2015 & Crl.

Misc No. M-17689 of 2015 shall be decided together wherein prayer is for
quashing of FIR No. 73 dated 30.03.2014, under Sections 498-
A/406/506/323/354/34 IPC, registered at Police Station, Sector 55/56,
Gurgaon and order dated 23.04.2015 passed by the Judicial Magistrate Ist

Class, Gurgaon, declaring Simranjeet Singh Kanwar as proclaimed offender

and subsequent proceedings arising therefrom on the basis of compromise dated 09.09.2015 (Annexure P-5 in CRM-M-35976-2015).

The FIR was registered on the basis of complaint made by Arvinder Kaur-respondent No.2 to the effect that her marriage was solemnized with Simranjeet Singh Kanwar-petitioner No.1 on 25.10.2010 as per Sikh rites and rituals. Soon after the marriage, in-laws (petitioners) of the complainant started harassing and humiliating her on the pretext of bringing insufficient dowry. She was also given beatings by them. It is also alleged that her father-in-law Charanjeet Singh misbehaved with her on so many occasions. He even touched the complainant with bad intention in the presence of her husband. In this background, the FIR was registered.

After investigation, challan was presented against Charanjeet Singh and Harmeet Kaur (petitioner Nos. 2 and 3). Simranjeet Singh Kanwar-petitioner No.1, husband of the complainant, did not appear before the Court and was declared proclaimed offender vide order dated 23.04.2015.

During the pendency anticipatory bail, the matter was referred to the Mediation and Conciliation Centre of this Court, where the parties have settled all the disputed amicably vide settlement/agreement dated 09.09.2015 (Annexure P-5). As per compromise, the parties have mutually agreed to part ways by getting a decree of divorce on the basis of mutual consent under Section 13-B of Hindu Marriage Act. It was also agreed that an amount of Rs.43,00,000/- would be paid by Simranjeet Singh Kanwar to Arvinder Kaur-complainant towards past, present and future maintenance.

In compliance of orders dated 11.08.2016/31.08.2016 passed

by this Court, status report has been received from the Additional Chief Judicial Magistrate, Gurgaon. As per report, the matter was kept for recording of statements of parties twice, but complainant did not appear before the Court. However, statements of accused-petitioners have been recorded on 17.09.2016, whereby they have admitted the factum of compromise.

Upon notice, Arvinder Kaur-complainant is present in Court today. She has been identified by her counsel. Photocopy of her driving licence has been placed on record. She has also placed on record copy of affidavit dated 22.10.2016, wherein it has been stated that the dispute has been amicably settled between the parties on 09.09.2015. As per compromise, she has received an amount of Rs.43,00,000/- (Rupees forty three lacs only) from Simranjeet Singh Kanwar as permanent alimony in the petition filed under Section 13-B of Hindu Marriage Act. Vide judgment dated 02.07.2016 passed by the Principal Judge, Family Court, Delhi, divorce petition filed by the parties have been allowed. Now, she has no objection, if the aforesaid FIR is quashed on the basis of compromise.

Taking into account that the compromise has been effected between the parties vide compromise/settlement dated 09.09.2015, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C for quashing of F.I.R in the interest of justice.

Consequently, in view of the compromise and the judgments passed by the Hon'ble Supreme Court in **Madan Mohan Abbot vs. State of Punjab** 2008(4) S.C.C. 582 and the law laid down by the Full Bench of this

Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another** 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 73 dated 30.03.2014, under Sections 498-A/406/506/323/354/34 IPC, registered at Police Station, Sector 55/56, Gurgaon and order dated 23.04.2015 passed by the Judicial Magistrate Ist Class, Gurgaon, declaring Simranjeet Singh Kanwar as proclaimed offender, are quashed with all consequential proceedings arising therefrom qua the petitioners.

Both the petitions i.e. Crl. Misc No. M-35976 of 2015 & Crl. Misc No. M-17689 of 2015 stand disposed of accordingly.

22.10.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No