

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

**CRM-M-18117-2017
Decided on: 01.08.2017**

Abhinav Taru

.... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Prateek Yadav, Advocate, for
Mr. Sandeep Suri, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Ms. Pallavi Sood, Advocate,
for respondent No.2.

H.S. MADAAN, J (ORAL)

Reply has been filed on behalf of respondent No.1, be taken on record.

Abhinav Taru has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.127 dated 22.03.2013, for offences under Sections 498-A, 406, 323 IPC, registered at Police Station Sushant Lok, Gurgaon, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise dated 17.03.2016, stated to have been effected between him and his wife Ms. Charu Ahluwalia, complainant arrayed as respondent No.2.

When the petition came up for hearing on 19.05.2017, notice of motion was ordered to be issued. On the adjourned date 23.05.2017, both the respondents had put in appearance, respondent No.1 – State of Haryana through State counsel, whereas respondent No.2 through Ms. Pallavi Sood, Advocate. Then in the light of the contention that parties have since

effected compromise, they were directed to put in appearance before the

trial Court on 25.05.2017 to get their statements recorded to the satisfaction of the trial Court and the trial Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Gurugram, in terms of which the complainant Charu Ahluwalia and accused Abhinav Taru, had appeared there and their statements were recorded on 20.07.2017, in terms of which they have admitted to have entered into a voluntary compromise. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. The trial Magistrate while submitting its report has observed that the compromise on the face of it appears to be genuine one. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared as proclaimed offender in the FIR in question. Alongwith the report the statements of complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section

482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons, this Court can quash the FIR and ancillary proceedings exercising its powers under Section 482 Cr.P.C. It appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

01.08.2017

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No