

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

**1. CRM No. M-24707 of 2016
Date of decision: 17.01.2017**

**Gaurav Sharma and another Petitioners.
Versus
State of Haryana and anotherRespondents.**

**2. CRM No. M-28312 of 2013 (O&M)
Date of decision: 17.01.2017**

**Sanjeev Garg @ Sanjeev Kumar Petitioner.
Versus
State of Haryana and another Respondents.**

CORAM: HON'BLE MS. JUSTICE LISA GILL

**Present: Mr. Akshay Bansal, Advocate, with
Mr. Tarunveer Vashist, Advocate for the petitioners
(in CRM No. M- 24707 of 2016).**

**Mr. Rajesh Gupta, Advocate for the petitioner
(in CRM No. M-28312 of 2013).**

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana.

**Ms. Charu Verma, Advocate, for
respondent No.2- Ruchi Sharma @ Reena Sharma.**

LISA GILL, J.

**This order will dispose of two petitions i.e. CRM No. M-24707
of 2016 titled Gaurav Sharma and another Vs. State of Haryana and another
and CRM No. M-28312 of 2013 titled Sanjeev Garg @ Sanjeev Kumar Vs.
State of Haryana and another.**

**FIR No. 143 dated 02.05.2013 was registered at Police Station
Mahesh Nagar, Ambala on the statement of Smt. Ruchi Sharma @ Reena
Sharma - respondent No. 2 alleging commission of offences under Sections**

406,498-A,323,506 and 34 of the Indian Penal Code ('IPC' for short) qua Gaurav Sharma, his mother- Smt. Lata Sharma (petitioners in CRM No. M-24707 of 2016) and one Sh. Sanjeev Garg @ Sanjeev Kumar (petitioner in CRM No. M- 28312 of 2013).

It is submitted that petitioner No.1- Sh. Gaurav Sharma (in CRM No. M- 24707 of 2016) and respondent No.2-Smt. Ruchi Sharma @ Reena Sharma are husband and wife. They both have amicably resolved the problem and dispute between them. Both are living together in a peaceful manner along with their daughter namely, Anshika .

CRM No. M-28312 of 2013 has been filed by Sanjeev Garg @ Sanjeev Kumar for quashing of FIR No. 143 dated 02.05.2013 and all consequential proceedings on merits. However, in the said petition, criminal miscellaneous application No.29022 of 2016 has been filed by the petitioner for placing on record settlement dated 30.06.2016 between the parties. It is further prayed that the said petition be allowed on the basis of the settlement arrived at between the parties and the fact that the accused Sh. Gaurav Sharma and his wife Smt. Ruchi Sharma @ Reena Sharma (complainant) are residing together in a peaceful manner.

Pursuant to order dated 17.11.2016 in criminal miscellaneous petition No. M-24707 of 2016, accused Sh. Gaurav Sharma and his mother Smt. Lata Sharma appeared before the learned trial Court and their statements were recorded on 22.12.2016. Joint statement of respondent No.2 -Ruchi Sharma @ Reena Sharma as well as her mother, Smt. Neelam Sharma was recorded. It was stated by respondent No.2 along with her mother that the matter has been settled amicably between complainant and all the accused persons. Smt. Ruchi Sharma is residing with her husband- Gaurav Sharma in

her in-laws residence along with their daughter-Anshika in a peaceful manner. Now there is no dispute between the parties and the complainant does not wish to pursue the complaint against any of the accused persons. It is also stated that the father of the complainant has passed away. Petitioner- Sh. Sanjeev Garg @ Sanjeev Kumar, however, has not appeared before the learned trial court.

Learned counsel for petitioner- Sh. Sanjeev Garg @ Sanjeev Kumar, submits that the said petitioner shall remain bound by the settlement arrived at between the parties. He prays for quashing of the said FIR on the basis of the settlement dated 30.06.2016 and not on the merits of the case. It is prayed that challenge to the said FIR on merits be permitted to be withdrawn and the petition be deemed to one for quashing the above said FIR on the basis of the settlement between the parties. Ordered accordingly.

As per report dated 23.12.2016 by the learned Judicial Magistrate 1st Class, Ambala, it is noted that the compromise has been effected between the parties out of their own free will and volition, without any pressure, fear, undue influence and coercion. The settlement is valid and genuine. None of the accused persons are proclaimed offenders. Statement of the above noted persons is attached along with the report.

Learned counsel for respondent No.2- Ruchi Sharma @ Reena Sharma affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR against all the accused persons including Sanjeev Garg @ Sanjeev Kumar.

Learned counsel for the State, on instructions from ASI Karam Chand, Police Station Mahesh Nagar, Ambala Cantt submits that the present

being a matrimonial affair, there can be no objection for quashing of the same against all the accused.

In *Kulwinder Singh and others versus State of Punjab and another* 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed 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 Criminal Procedure Code 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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

Consequently, FIR No. 143 dated 02.05.2013 registered under Sections 406,498-A,323,506 and 34 IPC at Police Station Mahesh Nagar, Ambala alongwith all consequential proceedings are hereby quashed. Accordingly, CRM No. M- 24707 of 2016 is allowed. CRM No. M-28312 of 2013 is disposed of in view of the settlement dated 30.06.2016.

17.01.2017
PA

(LISA GILL)
JUDGE

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*