

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

**CRM No.M-38902 of 2016
Decided on: 21.04.2017**

Parveen Chugh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Ranjit Saini, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. D.D. Gupta, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

The petitioner has prayed for quashing of FIR No.174 dated 30.04.2013, for offence under Sections 376 and 506 of the Indian Penal Code (in short 'IPC') registered in Police Station Sushant Lok, Gurgaon, District Gurgaon on the basis of compromise effected between the parties.

The parties were directed to appear before the Illaqa Magistrate/trial Court on 12.01.2017 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Judicial Magistrate Ist Class, Gurgaon, wherein it has been reported that statements of the petitioner and respondent No.2 (complainant) have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for the State has not disputed that the parties i.e. petitioner and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

I have heard counsel for the State and perused the case file.

As per the allegations raised in the FIR, the complainant was earlier married with one Mr. Sanath Suri and her marriage was dissolved by a decree of divorce dated 08.03.2007. The petitioner and the complainant are known to each other since the year 2005 and the petitioner was earlier married with Mrs. Bharti Chugh. They are in relationship for quite some time and the petitioner performed marriage with the complainant and hosted a dinner at Le Meridian, New Delhi. The petitioner and the complainant travelled together to various countries i.e. Austria, France, Thailand, Ukraine, etc. and the complainant was being introduced as a wife during their stay and travel abroad. The dispute between the parties has been settled on payment of a hefty amount of Rs.2.90 crores out of which an amount of Rs.70 lacs was paid by way of demand draft in the Court on 06.12.2016, the day the parties were directed to appear before the Court below for recording their statements.

Counsel for the petitioner and respondent No.2 would submit that there are several litigations, detailed in para 5 of the petition, pending between the parties and all those litigations would be decided/withdrawn on the basis of compromise effected between the parties vide memo of understanding (Annexure P4). It is further submitted that keeping in view the magnitude of litigation being pursued by the parties which they have decided to settle by way of

compromise, it would be in the interest of justice if the criminal proceedings are given a burial so that the parties can lead a peaceful life.

Though, no doubt, offence under Section 376 IPC is serious in nature and ordinarily should not be allowed to be quashed on the basis of compromise. However, in view of peculiar facts and circumstances that two grown up adults who had bad experience of the first marriage (with third persons) started living together knowing fully well consequence of their relationship but later could not pull along together and decided to part ways, the mere fact that offence has been registered under Section 376 IPC should not stand in their way to put the entire litigation between them to an end.

In view of what has been discussed hereinabove, the petition is allowed FIR No.174 dated 30.04.2013 for offence under Sections 376 and 506 IPC registered in Police Station Sushant Lok, Gurgaon, District Gurgaon and proceedings emanating therefrom are ordered to be quashed *qua* the petitioner.

21.04.2017

yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No