

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

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**CRM-M-5577-2017
DATE OF DECISION: 26.10.2017**

NARESH KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND ANR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rupam Jain, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl.A.G., Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of the FIR No.288 dated 15.06.2009, under Sections 498-A, 406 and 34 of IPC, registered at Police Station Gurgaon/Gurugram City (Annexure P-2) including judgment of conviction dated 29.01.2016 and order of sentence dated 30.01.2016 passed by Chief Judicial Magistrate, Gurgaon/Gurugram whereby the petitioner has been convicted and sentenced to undergo rigorous imprisonment for 01 year and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo rigorous imprisonment for 01 month under Section 498-A of IPC, rigorous imprisonment for 01 year under Section 406 of IPC and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioner contends that the FIR is an outcome of a matrimonial dispute, which has now been resolved and the matter has been compromised.

A Coordinate Bench of this Court by the order dated 20.04.2017 had directed the parties to appear before the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of Chief Judicial Magistrate, Gurugram/Gurgaon dated 05.05.2017 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any coercion or undue influence.

Learned counsel for the petitioner has placed reliance upon a judgment of Single Bench of this Court in CRM-M No. 16531 of 2016 titled ***Sukhdev Singh and others Vs. State of Punjab and another***, decided on 02.09.2016 and judgment of a Division Bench of this Court in the case of ***Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR(Criminal) 102***, wherein it has been held that this Court under Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the pendency of appeal to secure the ends of justice.

The FIR is an outcome of a matrimonial dispute, which has now been resolved and the matter has been compromised. It would be in the interest of justice if the FIR and all consequential proceedings arising therefrom including order of sentence & conviction are set-aside to enable the parties to live in peace and harmony.

Consequently, the petition is allowed. The FIR No.288 dated 15.06.2009, under Sections 498-A, 406 and 34 of IPC,

registered at Police Station Gurgaon/Gurugram City (Annexure P-2) and order of conviction dated 29.01.2016 & order of sentence dated 30.01.2016 passed by Chief Judicial Magistrate, Gurgaon/Gurugram, are set-aside. The appeal preferred by the petitioner against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first Appellate Court.

26.10.2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No