

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

CRM-M- No. 38756 of 2017

DATE OF DECISION :- July 20, 2018

Roktim Mahanta and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present:- Mr. Ravi Malik, Advocate for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Petitioners – Roktim Mahanta and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 174 dated 30.8.2016, for offences under Sections 406, 498A, 34 IPC, registered at Police Station Women Sector 51, Gurgaon against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Mona Mahanta- arrayed as respondent No.2.

The marriage between the spouses has been dissolved by a decree of divorce under Section 13B of the Hindu Marriage Act on 20.2.2018. According to the State counsel, a cancellation report has been prepared which is yet to be filed in the Court.

When the petition came up for hearing on 13.10.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana

through State counsel had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaqa Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Gurugram, in terms of which complainant Mona Mahanta and accused, namely, Roktim Mahanta, Bijita Mahanta, Rajshree Mahanta and Bharti Mahanta had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. 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 proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and all the accused, in original, have been annexed.

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

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*”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

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 power 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

July 20, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No