

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

CRM-M-5338-2018

Date of decision:- 22.05.2018

Dhruv Chawla and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Adish Gupta, Advocate,
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Rohit Rana, Advocate
for Mr. Jagjot Singh, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.205 dated 02.04.2016, under Sections 323, 34, 452, 506 IPC, registered at Police Station Sector 5, Gurugram, on the basis of compromise entered into between the parties.

2. While issuing notice of motion, the following order was passed by this Court on 08.02.2018: -

“Notice of motion.

On the asking of the Court, Mr. Vikas Malik, DAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. Kunal Dawar, Advocate, accepts notice on behalf of respondent

No.2 and filed his power of attorney. Same is taken on record. Copies of the petition be supplied to learned counsels for the respondents during the course of the day.

Learned counsel for both the parties jointly stated that the matter has been compromised between the parties, vide compromise/settlement dated 31.05.2017 (Annexure P-2) and they are ready to get their statements recorded before the learned trial Court.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 14.03.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.
- ii. Whether any accused is proclaimed offender.
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 28.03.2018.

Meanwhile, learned State counsel shall get the instructions in the matter.”

3. In terms of order dated 08.02.2018, learned Judicial Magistrate 1st Class, Gurugram, recorded the statements of both the parties and submitted a report dated 21.03.2018 and operative part of the same reads as under: -

“The statements of complainant and accused are annexed for kind perusal of your honour's. The compromise appears to be voluntarily entered into between the parties. In the present case, Dhruv Chawla and Neeru Chawla were arrayed as accused persons. No accused has been declared P.O. in the present case. This report as desired by your honour's is submitted for kind perusal and necessary action please.”

4. A perusal of the report reveals that the compromise entered into between the parties is voluntarily and without any pressure. Even

before this Court also, the parties are not disputing the factum of compromise arrived at between them.

5. Further, it has been pointed out by learned counsel for the petitioners that the marriage between the parties i.e petitioner No.1 and daughter of complainant, namely, Sakshi Sagar, has already been dissolved, vide judgment dated 17.03.2018, passed by learned Principal District Judge, Family Court, Gurugram, on the basis of same very compromise.

6. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

7. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and did not affect any public peace or tranquillity and thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Accordingly, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioners, are hereby quashed.

8. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

May 22, 2018
naresh.k

Whether reportable?	Yes
Whether reasoned/speaking?	Yes