

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

**CRM-M-29444-2018
Date of decision: 08.04.2019**

Sahil Gupta and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present:- Ms. Aakriti Singh Malik, Advocate
for the petitioners.

Mr. Pawan Kumar Garg, AAG, Haryana.

Mr. Yashdeep Nain, Advocate
for respondent No. 2.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of FIR No. 0283 dated 21.05.2018 (Annexure P-1) for offences punishable under Sections 323, 34, 406, 498-A and 506 of the Indian Penal Code (in short 'IPC'), registered at Police Station Civil Lines, Hisar, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the marriage of respondent No. 2/complainant was solemnized on 08.12.2015 with petitioner No.1 herein. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of respondent No. 2 Shilpa Gupta. However,

now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise. In fact, the parties have decided to part ways and a petition under Section 13-B of the Hindu Marriage Act has already been filed.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No. 2/complainant endorsed the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed the compromise (Annexure P-2), entered into between the parties.

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 06.03.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble Supreme Court in '**Gian Singh vs. State of Punjab and another**', 2012 (4) R.C.R. (Criminal) 543 and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of

criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the reasons as discussed above, the instant petition is allowed and FIR No. 0283 dated 21.05.2018 (Annexure P-1) for offences punishable under Sections 323, 34, 406, 498-A and 506 of the IPC, registered at Police Station Civil Lines, Hisar along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

08.04.2019
SHABHA

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No