

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

**CRM-M No.35970 of 2018 (O&M)
Decided on: 03.05.2019**

Rajesh Pahuja

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.R. Bansal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Sandeep K. Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner has prayed for quashing of FIR No.312 dated 21.09.2008, for offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code (in short 'IPC') registered at Police Station Sector 10-A Gurugram, District Gurugram (Annexure P1) and all other consequential proceedings arising therefrom, on the basis of the compromise effected between the parties as well as for setting-aside the order dated 10.04.2017 (Annexure P3).

Brief facts of the case are that the FIR was got registered by respondent No.2, the wife of the petitioner. It was a case of matrimonial discord and a decree of divorce by way of mutual consent was granted on 09.05.2008.

The petitioner faced the full length trial in the present FIR and he was acquitted vide judgment dated 04.03.2016 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurgaon.

Respondent No.2, thereafter, preferred an appeal and the same was allowed by the Appellate Court and the case was remanded back to the trial Court and against that judgment, the petitioner filed a revision i.e. CRR No.2455 of 2017 before this Court, which was dismissed as withdrawn in view of the fact that in the meantime, the parties have arrived at a compromise and in pursuance to the compromise, statement of respondent No.2 was recorded by the Judicial Magistrate Ist Class, Gurgaon on 04.12.2017, which reads as under:-

“It is stated that I got FIR No.312 dt. 21.09.2008 registered in Police Station Section 10 under section 420/460/467/471/468 IPC against my husband Rajesh Pahuja and that now we have compromised the matter and I have no objection in quashing the FIR. The copy of settlement is Ex.C-1. This statement is being made by me of my own without any pressure.”

Similar statement was made by the petitioner.

The trial Court, thereafter, on 04.12.2017 also acknowledge the fact that in compliance of the order passed in the criminal revision, the parties have appeared and got recorded their respective statements.

On 04.02.2019, the petitioner was directed to deposit the costs of Rs.15,000/-. The petitioner has placed on record the copy of the receipt, depositing the costs of Rs.13,000/- and Rs.2,000/-, respectively.

Since the parties have entered into a valid and legal compromise, which has been duly acknowledged by the Magistrate while recording the statement of the parties, during the pendency of the criminal revision i.e. CRR No.2455 of 2017, considering the fact that the dispute was primarily arising out of a matrimonial discord between

the parties and decree of divorce by way of mutual consent has already been passed in favour of the petitioner and respondent No.2.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed; the order dated 10.04.2017 (Annexure P3) is set-aside and FIR No.312 dated 21.09.2008, for offence punishable under Sections 420, 467, 468, 471 IPC registered at Police Station Sector 10-A Gurugram, District Gurugram and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

03.05.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No