

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-30535-2019

Date of Decision:31.10.2019

Kapil Chauhan and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Ramender Chauhan, Advocate,
for the petitioners.**

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. Arun Dulgach, Advocate for
Mr. Abhimanyu Singh, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.325 dated 24.04.2019 under Sections 323, 34, 376, 406, 498-A, 506, 511 IPC, registered at Police Station City, Bhiwani (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 01.06.2019(Annexure P-2).

Learned counsel for the petitioners states that in terms of the compromise so entered between the parties, a sum of Rs.47 lakh has been paid to complainant-respondent No.2.

This Court vide order dated 19.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Bhiwani and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.09.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary.

Respondent No.2-complainant, namely, Hemlata, has made a statement with regard to compromise before learned Magistrate. The same is reproduced as under:-

“Stated that, on my complaint, the present FIR No.325, dated 24.04.2019, P.S. City Bhiwani was registered against accused Kapil Chauhan (husband), Vijender Chauhan (father-in-law), Suman Devi (mother-in-law) and Nitu Rani (sister-in-law). The police filed the challan only against accused Kapil Chauhan, Vijender Chauhan and Suman Devi. Accused Nitu was found innocent in police investigation. No accused is declared as proclaimed offender in this case. Now, with the intervention of respectable persons of the society, we have compromised the matter in writing. The copy of the said compromise is Ex.C-1 which bears her signatures. As per compromise, the complainant will take divorce from her husband Kapil Chauhan by mutual consent under Section 13-B of Hindu Marriage Act. The accused husband will pay the amount of Rs.47,00,000/- in lump-sum to the complainant as permanent alimony and for her istridhan. Out of this, she has received amount of Rs.15,00,000/- from the husband and the remaining amount of Rs.32,00,000/- be paid at the time of second motion in the divorce petition. The complainant and her husband has already filed the petition for divorce under Section 13B of HMA. The present FIR be not quashed till the final payment of Rs.32,00,000/- to the complainant by the accused side. The photocopy of compromise is Ex.C1 which is executed between the parties voluntarily without any force and undue influence.”

Learned counsel for respondent No.2 fairly states that the

parties have settled their disputes and the decree of divorce under Section 13-B of the Hindu Marriage Act has also been passed in the case on 21.09.2019 and respondent No.2 has received the agreed amount of Rs.47 lakh from petitioner No.1. He has no objection if the FIR registered against the petitioners-accused, is quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.325 dated 24.04.2019 under Sections 323, 34, 376, 406, 498-A, 506, 511 IPC, registered at Police Station City, Bhiwani (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 01.06.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences, Rohtak** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director.

October 31, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No