

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2373-2020 (O&M)
Date of Decision:-9.12.2020

Vishal Verma and others ... Petitioners

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Jigyasa Tanwar, Advocate for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

Mr. Aditya Sanghi, Advocate for respondent No.2.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.665 dated 5.11.2018 registered at Police Station Civil Lines, Hisar under Sections 406, 498-A, 34, 323, 377 and 506 of Indian Penal Code and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. The matter apparently arises out of some matrimonial dispute which was resolved by way of a written compromise Annexure P-2. It was decided amongst the parties that petitioner No.1-Vishal Verma (husband) shall pay an amount of ₹21 lakhs to his wife towards full and final settlement of her past,

present and future maintenance, which was to be paid by way of 3 installments in the following manner:

- a) 1st installment of Rs.7.00 Lacs shall be paid today in the competent court while recording the statement of 1st motion in the petition of Mutual divorce filed u/s 13-B of the Hindu Marriage Act.
 - b) 2nd instalment of Rs.7.00 Lacs shall be paid before the Hon'ble High Court on quashing of the above said FIR No.665 dated 05.11.2018, u/s 498-A, 406, 506, 323, 377 IPC P.S. Civil Lines, Hisar, registered against the 1st party & his parents.
 - c) 3rd instalment of Rs.7.00 Lacs shall be paid after granting the decree of Mutual Divorce, after recording the statement of second motion of the Mutual Divorce filed u/s 13-b of the H.M. Act, but if the said FIR is quashed after the Mutual Divorce then the 2nd & 3rd instalment shall be paid together after the quashing of aforesaid FIR.
3. The learned counsel for the petitioners has submitted that the amounts of ₹7 lakhs each as mentioned at serial Nos.(a) and (b) have already been paid to the complainant and infact it is today morning that the second installment of ₹7 lakhs was paid to the complainant by way of a demand draft, a copy whereof has been produced by learned counsel for the petitioners today in Court, which is taken on record.
4. The learned counsel for the complainant has not disputed the factum of compromise and has acknowledged the receipt of ₹7 lakhs in the first instance and also the second installment of ₹7 lakhs, which is stated to have been received by way of a demand draft today.

5. Pursuant to order dated 20.1.2020, the parties appeared before the Court of learned Judicial Magistrate 1st Class, Hisar, wherein their statements were recorded. The learned Judicial Magistrate 1st Class, Hisar in his report dated 4.3.2020 has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
6. This Court finds the matter apparently arose out of some misunderstanding and some matrimonial discord, which has been amicably resolved. A part of conditions has already been complied with.
7. Having regard to the fact that the matter has been amicably resolved amongst the parties and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.665 dated 5.11.2018 registered at Police Station Civil Lines, Hisar under Sections 406, 498-A, 34, 323, 377 and 506 of Indian Penal Code and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.
8. It is, however, directed that both the parties shall remain bound by the compromise (Annexure P-2) and the petitioner No.1 shall pay the 3rd installment of ₹7 lakhs as has been stated in the compromise at the time of recording of statements of the second motion.

9.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No