

CRM-M-21019-2019 (O&M)

Through video conference

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

**CRM-M-21019-2019 (O&M).
Decided on: October 12, 2020.**

Sushant Jain

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Jagjit Singh Gill, Advocate,
for the petitioner.**

Mr.Naveen K. Sheoran, DAG, Haryana.

**Mr.Sushil Kumar Verma, Advocate,
for complainant – respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of F.I.R. No.1215 dated 11.12.2018, under Sections 354,
498-A/34 IPC, (later on offence under Sections 354/34 IPC deleted and
offence under Section 406 IPC added) registered at Police Station City
Sirsa, District Sirsa (Annexure P1) and all subsequent proceedings arising

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therefrom on the basis of compromise Deed/agreement (Annexures P2) and affidavit (Annexure P3).

Allegations as contained in the FIR are that a complaint was filed against Sushant Jain, Raj Kumar, Savita Jain and Dipin Jain by Pankil Jain – respondent No.2, wife of Sushant Jain that her parents had spent large amount in the marriage and after two years when no child was born out of the wedlock, then her in-laws got medically examined both of them and in that some deficiency was found in my husband namely Sushant Jain. But even after treatment when no child was born, a suggestion was made with regard to adoption of child as well to which the accused refused. It has been further alleged in the FIR that she was harassed mentally and physically and in this way, the matrimonial discord took place. Other allegations have also been made in the FIR.

Learned counsel for the petitioner has submitted that misunderstandings in the matrimonial life were sorted out and a deed of compromise/agreement (Annexure P2) was executed. Although the complaint was against the aforesaid four persons, but there were two accused in the FIR namely Sushant Jain (petitioner – husband) and one Dipin Jain (brother-in-law of the complainant). Said Dipin Jain has been declared innocent by the police and compromise has been effected between the petitioner -husband and complainant – respondent No.2/wife to the effect that the matter has been settled between them pertaining to the aforesaid FIR as well as with respect to other matters. He has also referred to Annexure P-3, which is duly attested affidavit by respondent

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No.2/wife stating that now the compromise has been effected with the intervention of the Panchayat and compromise deed has been executed.

On 24.10.2019, this Court in the light of the contentions of the parties had directed them to appear before the Illaqua Magistrate for the purpose of getting their statements recorded with regard to the compromise and the Illaqua Magistrate was directed to make a report as to its satisfaction and submit it back along with the statements and supporting documents in original before the next date of hearing.

It has also been brought to the notice of this Court, that even a petition under Section 13-B of the Hindu Marriage Act was filed and now the marriage stands dissolved between the petitioner and respondent No.2 vide order dated 4.11.2019.

In pursuance of orders passed by this Court on 24.10.2019, a report dated 6.11.2019, has been received from the Court of learned Judicial Magistrate First Class, Sirsa, in which it is stated that the parties had appeared before him and got their statements recorded regarding the matter having been compromised with the intervention of the Panchayat and respectables without any fear or pressure. Statements of petitioner and respondent No.2 were also recorded. It is also stated in the report of the Magistrate that both the parties have been duly identified by their respective counsel and that the Magistrate has satisfied himself with regard to the validity of the compromise and the same has been entered into between the parties without any fear, force or coercion and the same is genuine.

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No reply has been filed in the present case but the facts are not disputed by the parties. The learned counsel for respondent No.2 has not opposed the prayer for quashing of FIR.

Learned State counsel has also not disputed the factum of compromise. It is also not disputed that the subject matter of the present case pertains only to the matrimonial dispute between the petitioner and respondent No.2.

I have heard the learned counsel for the parties.

The basic dispute seems to be matrimonial in nature in which the petitioner and respondent No.2 have got recorded their statements regarding the compromise and even the divorce has also been granted in the petition filed under Section 13-B of the Hindu Marriage Act and the marriage stands dissolved.

After hearing the learned counsel for the parties and after purusing the report submitted by the learned Judicial Magistrate First Class, in compliance of the directions issued by this Court, I am of the considered opinion that since the matter has been amicably compromised between the parties and it is not a case where it can be termed as serious or heinous crime, no useful purpose would be served in case the litigation is lingered on especially when the parties not only have compromised the matter but their marriage also stands dissolved by mutual consent in a petition filed under Section 13-B of the Hindu Marriage Act. It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then according to the facts and circumstances of the

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case, the FIR can be quashed on the basis of compromise.

Thus, following the judgment in Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.1215 dated 11.12.2018, under Sections 354, 498-A/34 IPC, (later on offence under Sections 354/34 IPC deleted and offence under Section 406 IPC added) registered at Police Station City Sirsa, District Sirsa (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise are quashed on the basis of compromise.

October 12, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No