

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

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CRM-M No.25968 of 2020

Date of Decision: September 30th, 2020

Arif @ Asif and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Farukh Abdullah, Advocate
for the petitioners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

None for the complainant.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 07.09.2020, following order was passed:-

“In pursuance of order passed by this Court on 03.09.2020, receipt has been received, according to which an amount of ₹20,000/- stands deposited with the Punjab & Haryana High Court Bar Association, Chandigarh on 04.09.2020.

Present petition has been filed for quashing of FIR No.182 dated 30.11.2019, registered under Sections 376, 450, 377, 34 IPC at Women Police Station, Nuh, District Nuh (Annexure P-1) in pursuance of compromise dated 07.08.2020 (Annexure P-2) entered into between the parties. It has further been stated that in view of the said compromise, Rubina, complainant-prosecutrix, has returned back to her matrimonial home and is residing there, which fact is acknowledged by counsel for the State at instructions from ASI Mukesh Kumar, Women Police Station, Mewat at Nuh.

In the light of the above factual position, direction is issued to the parties to appear before the Ilaqa Magistrate/Trial Court on 15.09.2020 at 11.00 A.M. for recording of their statements with regard to the above referred compromise on the said date or on any other date

convenient to the Court.

The Ilaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up on 30.09.2020.

Copy of this order be sent to Ilaqa Magistrate/Trial Court concerned for information and compliance.”

In pursuance to the said order, parties had appeared before the Judicial Magistrate Ist Class, Mewat. The statements of the petitioners as well as respondent No.2-complainant were recorded. The JMIC has submitted his report, according to which the compromise dated 07.08.2020 (Annexure P-2), which has been entered into between the parties, is *bona fide* and not a result of any coercion, undue influence and valid. No person in the case has been declared a proclaimed offender and all the parties to the complaint were present.

In the light of the report of the Judicial Magistrate Ist Class, Mewat, referred to above, counsel for the petitioners submits that the prayer

made in the present petition for quashing of FIR No.182 dated 30.11.2019, registered under Sections 376, 450, 377, 34 IPC at Women Police Station, Nuh, District Nuh, as also the consequential proceedings arising therefrom in the light of the compromise dated 07.08.2020 (Annexure P-2) deserves to be allowed.

Having considered the submissions made by the counsel for the petitioners and keeping in view the fact that the dispute was within the family itself, which has been amicably sorted out and resolved resulting in the compromise dated 07.08.2020 (Annexure P-2), which has been entered into between the parties, which has been found to be genuine and valid as per the report of Judicial Magistrate Ist Class, Mewat, the present petition deserves to be allowed in the light of the law laid down by Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & others Versus State of Gujarat & another***, decided on 04.10.2017, ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482*** and the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***

Ordered accordingly.

FIR No.182 dated 30.11.2019 registered under Sections 376, 450, 377, 34 IPC at Women Police Station, Nuh, District Nuh and all consequential proceedings arising out of the same are hereby quashed.

September 30th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No