

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

Sr. No.210

**CRM-M-27187-2020
Date of Decision: 16.10.2020**

MONIKA AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sagar Aggarwal, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Aashit Malik, Advocate,
for the complainant-Atul.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition under Section 482 Cr.P.C. has been filed at the behest of the petitioners, Monika and Kapil, seeking quashing of the FIR bearing No.592 dated 20.08.2020, under Sections 379-B, 427, 506 and 34 IPC, registered at Police Station Sonapat City, District Sonapat, on the basis of the compromise dated 28.08.2020.

Background facts in nutshell are that the petitioner No.1, namely, Monika, got married to respondent No.2-Atul Gupta on 10.07.2019, as per Hindu Rites and Ceremonies and one daughter, namely, Vaibhavi was born to the couple. Unfortunately, both Monika and Atul Gupta could not get along well and they parted ways and started living separate from each other. On account of matrimonial discord, they are living separately since

16.08.2019. Relating to this matrimonial dispute, FIR bearing No.593 dated 20.08.2020 under Sections 323, 354-D, 427 and 34 IPC, was got registered at Police Station Sonapat City, District Sonapat, at the behest of petitioner No.1-Monika and the copy of the said FIR is at Annexure P-2. Likewise, Atul Gupta-respondent No.2 got registered FIR No.592 dated 20.08.2020 under Sections 379-B, 427, 506 and 34 IPC, at Police Station Sonapat City, District Sonapat, against both the petitioners i.e. Monika and her brother, namely, Kapil. Another FIR bearing No.3 dated 17.01.2020 under Sections 406, 498-A, 506 and 34 IPC, was also got registered at Women Police Station, Sonapat, at the instance of the petitioner No.1-Monika.

However, with the intervention of the relatives and friends, the matrimonial dispute was settled between the parties and both husband and wife decided to file petition under Section 13-B of the Hindu Marriage Act, for seeking divorce with mutual consent. The same was filed in the Family Court, Sonapat, the copy whereof is at Annexure P-4. Even, it is stated that joint statement of both the parties has been recorded and the same is placed on record as Annexure P-5. The compromise, so reached between the parties, was reduced into writing, which is dated 28.08.2020, which has been annexed with the petition as Annexure P-7. As per the said compromise, the terms of separation for giving quietus to the matrimonial dispute were settled between the parties.

In view of the settlement so reached between the parties, the present petition has been filed for seeking quashing of the FIR bearing No.592 dated 20.08.2020, under Sections 379-B, 427, 506 and 34 IPC, registered at Police Station Sonapat City, District Sonapat. On the last date of hearing, direction was given to the parties to make appearance before the

Illaqa Magistrate/Duty Magistrate on 21.09.2020, for recording of their statements *vis-a-vis* compromise, so reached between them and thereupon, even the concerned Magistrate was requested to further submit a report regarding arrival of compromise between the parties.

In consonance with the direction aforesaid, the report has been received from the concerned officer. He has recorded the statement of the parties and also of the Investigating Officer to give information on the various points as stated in the order dated 10.09.2020. As per the same, no accused of the present case has been declared proclaimed offender, as per the statement of the Investigating Officer and also it is stated by the Investigating Officer that chargesheet has not been filed and the accused has not been arrested in the present case. Further, it is stated by the officer on the basis of the statements of the parties concerned that compromise between the parties is genuine, voluntarily being effected without any coercion or undue influence.

Thus, from the contents of the report, so made in pursuance of recording of statements of the parties, it is evident that all the criminal litigation has arisen due the matrimonial dispute between petitioner No.1-Monika and respondent No.2-Atul Gupta. However, quietus has been given to the matrimonial dispute by way of compromise, so reached between the parties, which is Annexure P-7. Consequential to the compromise, they had decided to put an end to the matrimonial litigation, so initiated by them against each other. Even, the petition under Section 13-B of Hindu Marriage Act, has already been filed and half of the settled amount i.e. Rs.7,50,000/- is already paid by respondent No.2 to petitioner No.1, at the time of recording of first statement.

Considering the aforesaid fact situation, since the matrimonial dispute is being burried by way of compromise reached between the parties, this Court is of the opinion that the parties should be allowed to compound the offence. Consequently, the FIR bearing No.592 dated 20.08.2020, under Sections 379-B, 427, 506 and 34 IPC, registered at Police Station Sonapat City, District Sonapat, and all the consequential proceedings arising therefrom, are hereby quashed.

Accordingly, the petition stands disposed of.

(ARCHANA PURI)
JUDGE

16.10.2020
Himanshu

Whether speaking/reasoned	Yes
Whether reportable	No