IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-26953-2020 (O&M)
Date of Decision: October 6th, 2020

Shyam Lal & others

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Ashit Malik, Advocate
for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Sagar Aggarwal, Advocate
for respondent No.2.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

On 09.09.2020, when the case was taken up for hearing, following order was passed:-

> "Prayer in this petition is for quashing of FIR No.3 dated 17.01.2020, registered under Sections 406, 498A, 506, 34 IPC, at Women Police Station, Sonepat, (Annexure P-1) in pursuance of the compromise dated 28.08.2020 (Annexure P-7), which has been entered into between the parties. Counsel contends that in view of the compromise dated 28.08.2020 (Annexure P-7), respondent No.2 does not want to pursue the present FIR, which has been registered by her and the parties are ready and willing to appear before the Ilaqa Magistrate/Trial Court, Sonepat, on any date which may

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be fixed by this Court for recording their respective statements with regard to compromise.

Notice of motion subject to showing receipt of Rs.20,000/- to the Registry to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

On the asking of the Court, Ms.Tanisha Peshawaria, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand over a copy of the petition to her during the course of the day.

Mr.Sagar Aggarwal, Advocate, puts in appearance on behalf of respondent No.2 and acknowledges the factum of compromise.

The parties are directed to appear before the Ilaqa Magistrate/Trial Court, Sonepat on 21.09.2020 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).

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(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 06.10.2020.

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

In pursuance to the said order passed by this Court, parties had appeared before the Judicial Magistrate 1st Class, Sonepat, on 21.09.2020 and 25.09.2020 and got recorded their respective statements. On the basis of the statements, learned Judicial Magistrate 1st Class, Sonepat, has submitted his report, dated 25.09.2020. As per the said report, statements given by the parties are *bona fide* and are not a result of any pressure or coercion etc. in any manner. The compromise arrived at between the parties appears to be genuine and valid.

In the light of the above, learned counsel for the petitioners as well as counsel for complainant – respondent No.2 submit that the FIR registered against the petitioners at the behest of respondent No.2 may be quashed along with all subsequent proceedings arising therefrom as she does not have any objection to the prayer made in the present petition. It is asserted that the matter which is a matrimonial dispute having been amicably resolved, the interest of justice would be served by allowing the present petition.

Having considered the submissions made by the learned counsel for the parties and keeping in view the report of the Judicial

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Magistrate 1st Class, Sonepat, dated 25.09.2020, wherein it has been opined that the compromise dated 28.08.2020 (Annexure P-7) entered into between the parties is genuine and valid, the present petition deserves to be allowed in the light of the law laid down by the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052.***

In view of the above, the present petition is allowed. FIR No.3 dated 17.01.2020, registered under Sections 406, 498A, 506, 34 IPC, at Women Police Station Sonepat, (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 6th, 2020
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Whether speaking/reasoned:	**Yes/No**
Whether Reportable:	**Yes/No**

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