

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27386-2020

Date of Decision: 11.09.2020.

HANISH AGGARWAL AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Durga Dutt Sharma, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Notice of motion.
3. Mr. Surender Singh, learned Asstt. A.G., Haryana, accepts notice on behalf of respondent No.1, while Mr. Sanchit Punia, Advocate, puts in appearance on behalf of respondent No.2.
4. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.377 dated 19.06.2020, registered under Sections 323, 34, 354-A (2), 377, 498-A and 506 of Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa as well as all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P/2 dated 20.07.2020.
5. Learned counsel contends that the aforementioned FIR was got registered by respondent No.2 against the petitioners on the basis of dispute between them but with the intervention of friends and relatives as well as respectable members of the society, the matter has been amicably

settled between the petitioners and respondent No.2 by way of compromise Annexure P/2 dated 20.07.2020 and he has no objection if the aforementioned FIR and all subsequent proceedings in respect thereto, are quashed. Learned counsel for respondent No.2 states that in pursuance of the compromise, a petition for divorce by mutual consent under Section 13-B of Hindu Marriage Act, 1955, was filed by the parties before the learned District Judge, Sirsa, and an amount of Rs.3.5 Lakh was paid by the petitioner to respondent No.2 at the time of first motion and the balance amount of Rs.3.5 Lakh would be paid to respondent No.2 at the time of second motion and grant of decree of divorce.

6. Learned Asstt. AG, Haryana, on instructions from ASI Chandan Singh, informs the Court that there is no other case against the petitioners, besides no P.O. proceedings are pending and that though challan has been presented on 19.08.2020, charges have not been framed. Learned Asstt. AG, Haryana and learned counsel appearing on behalf of respondent No.2 state that they have no objection if FIR No.377 dated 19.06.2020, registered under Sections 323, 34, 354-A (2), 377, 498-A and 506 of Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise, Annexure P/2 dated 20.07.2020.

7. Keeping in view the fact that the matter has been compromised between the parties vide compromise Annexure P/2 date 20.07.2020, and the parties have decided to get the FIR quashed, there is no impediment in the way of this Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of FIR in the interest of justice.

8. Consequently, in view of the decision of Hon'ble the Supreme Court in 'Madan Mohan Abbot versus State of Punjab', 2008(2) RCR (Crl.) 429 as also decision of this Court in Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052 no useful purpose would be served by prolonging the litigation.

9. Accordingly, in the light of the position as noted above, FIR No.377 dated 19.06.2020, registered under Sections 323, 34, 354-A (2), 377, 498-A and 506 of Indian Penal Code, 1860, at Police Station City Sirsa, District Sirsa as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise, Annexure P/2 dated 20.07.2020, qua the petitioners, subject to petitioner No.1 making balance payment of Rs.3.5 at the time of second motion before the learned District Judge, Sirsa.

10. Petition stands ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

September 11, 2020

'Rajesh-Amit'

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