

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

123

CRM-M-27864-2020
Date of decision : 05.11.2020

Rahul KohliPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepam Raghav, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana
for respondent No.1-State.

Mr. Vikram Kakar, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner-**Rahul Kohli** has filed the present petition under Section 482 of the the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of FIR No.1053 dated 30.11.2017 registered under Sections 354-A, 406 and 498-A read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Sector-7, Faridabad (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise effected with respondent No.2-**Shubhi Kohli**.

The above-said FIR was registered on written complaint made by respondent No.2-Shubhi Kohli to the Commissioner of Police, Faridabad against her husband Rahul Kohli, father-in-law Raj Kumar Kohli, mother-in-law Nishi Kohli and sisters-in-law Neha Ori and Sheena Suri. In her written complaint respondent No.2 alleged that her

marriage was solemnized with Rahul Kohli on 18.04.2016 in accordance with Hindu rites and ceremonies. The above-said persons made dowry demands on various occasions as mentioned in the complaint and treated her with cruelty for not meeting their dowry demands and criminally misappropriated her dowry articles. On 12.04.2017 her father-in-law Raj Kumar Kohli molested her and when she complained to her mother-in-law Nisha Kohli she also started beating her. When she complained to her husband, he also gave beating to her. The above-said persons also gave beating to her on 11.07.2017 and forcibly sent her to her parental house on 12.07.2017 and threatened on 17.08.2017 and 03.10.2017 that she would be divorced if their dowry demands were not met. The police investigated the case and on completion of investigation filed challan against accused Rahul Kohli and but found other accused persons to be innocent and exonerated them.

The petitioner has filed the present petition for quashing of the FIR on the grounds that now the matter has been amicably compromised between the parties.

Vide order dated 15.09.2020 this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 24.09.2020 for recording of their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report on or before the next date of hearing i.e. on 02.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate Ist Class, Faridabad has recorded the statements of both the

parties and submitted report dated 05.10.2020 vide letter dated 08.10.2020 and the relevant part of the same reads as under:-

“In compliance of order dated 15.09.2020 passed by Lordship Hon'ble Mr. Justice Arun Kumar Tyagi, Judge, Punjab and Haryana High Court in Criminal Misc. No.CRM-M-27864-2020, the undersigned has recorded the statements of complainant as well as accused person and Investigating Officer on 24.09.2020, after being satisfied that the above-mentioned persons were deposing voluntarily and out their free will regarding the compromise. Original statements of both the parties and investigating officer and photocopy of DD bearing no.295699 dated 21.08.2020 are attached herewith and copies of the same have been placed on record.

After recording the statements of the parties, I am of the view that the compromise between the parties is genuine, valid, voluntarily and out of their free will.”

The State has not filed any reply to the petition despite grant of opportunity in this regard.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among

themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to ***Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052; Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255.***

A perusal of the report of Judicial Magistrate Ist Class, Ambala clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel has no objection in case the FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties.

The offences involved in the present case are overwhelmingly and predominantly of private character. The parties have resolved their entire dispute. The compromise has been arrived at between the parties at the initial stage. The compromise will also contribute to peace and harmony in the society. In view of the facts and

circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petition is allowed and FIR No.1053 dated 30.11.2017 registered under Sections 354-A, 406 and 498-A read with Section 34 of the IPC in Police Station Sector-7, Faridabad (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom.

05.11.2020

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(ARUN KUMAR TYAGI)
JUDGE

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