

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

CRM-M-32180-2020
Date of decision: 18.11.2020

Dheeraj Sachdev and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Gaurav Gupta, Advocate for the petitioners.
Mr. Rupinder Singh Jhand, Addl. AG, Haryana.
Mr. Saurabh, Advocate, for respondent No.2.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

The petitioners, who happened to be the husband, mother-in-law, father-in-law and brother's wife of the complainant – Ashima Aneja (respondent No.2), vide this petition under Section 482 of Cr.P.C., pray for quashing FIR No.362, dated 02.04.2016, under Sections 34, 377, 406, 498-A, 506 of IPC, registered at Police Station, Rohtak Civil Lines (Annexure P1), for the differences between the parties stand resolved and a compromise in this regard dated 17.02.2020 (Annexure P2) has since been effected.

Accordingly, pursuant to an order dated 12.10.2020, passed by this Court, the Illaqa Magistrate/trial Court, after recording the statements of the parties qua the execution and veracity of the alleged compromise, was required to submit a report. The report dated 02.11.2020 has since been furnished by the Judicial Magistrate Ist Class, Rohtak:

**“The information as sought by the Hon'ble
High Court is detailed as under:-**

1. Five persons i.e. Dheeraj son of Shadi Lal, Luxmi Devi, Shadi Lal, Neeraj and Deepa alias Deepika have been arrayed as accused in the FIR but the challan was filed against accused Dheeraj (husband), Shadi Lal (father-in-law) and Luxmi Devi (mother-in-law) only as during investigation, Neeraj and Deepa alias Deepika were exonerated by the police.
2. No accused has been declared proclaimed person/offender in the present case.
3. From the statement and demeanors of the parties, this court believes that the compromise is genuine, voluntary and without any coercion and undue influence.
4. One case pertaining to Domestic Violence Act, 2005 is pending between the parties before the court of Ld. ACJM, Rohtak for 03.12.2020.”

The Court has also been informed that in terms of the settlement/compromise, the parties had filed a petition under Section 13-B of the Hindu Marriage Act and vide judgment and decree dated 28.10.2020, the marriage has since been dissolved.

Learned counsel for the respondents submit that in the given circumstances, they have no objection if the FIR in question is quashed.

In the wake of the above, it would be apposite to refer to the observations recorded by the Supreme Court in **Madan Mohan Abbot v. State of Punjab, 2008(4) SCC 582**; *wherein it was held that in disputes where the question involved is of a purely personal in nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings for keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened*

as they are, cannot afford, no useful purpose would be served in continuing with the proceedings:

“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law. We see from the impugned order that the learned Judge has confused a compounding of an offence with the quashing of proceedings. The outer limit of Rs.250/- which has led to the dismissal of the application is an irrelevant factor in the later case.

We accordingly allow the appeal and in the peculiar facts of the case, direct that FIR No.155 dated 17th November 2001 P.S. Kotwali, Amritsar and all proceedings connected therewith shall be deemed to be quashed.”

Likewise, the Supreme Court even in **Gian Singh v. State of Punjab & Anr.**, 2012(10) SCC 303, held that where offences are purely private in nature and do not concern public policy, the power to quash proceedings involving non-compoundable offences on the basis of compromise can be exercised.

On conspectus of the position as indicated above, and the position of law expounded by the Supreme Court in **Madan Mohan Abbot** and **Gian Singh** (supra), the petition is allowed. Accordingly, FIR No.362, dated 02.04.2016, under Sections 34, 377, 406, 498-A, 506 of IPC, registered at Police Station, Rohtak Civil Lines and all subsequent proceedings arising therefrom are quashed.

18.11.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO