

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

CRM-M-30786-2020
Date of decision: 18.11.2020

Sahil Singhmar

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present: Mr. S.L. Barwala, Advocate for the petitioner.
Mr. Rupinder Singh Jhand, Addl. AG, Haryana.
Mr. Suman Sagar, 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)

Petitioner – Sahil Singhmar son of Suresh Singhmar, who happens to be the husband of Sunita (respondent No.2), vide this petition under Section 482 of Cr.P.C., prays for quashing FIR No.56, dated 11.09.2019, under Sections 498-A, 323, 406, 506 & 34 of IPC, registered at Women Police Station Hansi, District Hansi (Annexure P1), for parties to the dispute have resolved their differences and a compromise in this regard dated 14.07.2020 (Annexure P2) has since been effected:

- “i. That the first party and Second party has taken decision for mutually divorce and divorce petition under section 13-B of H.M.A. will be filed before the Hon’ble District Judge, (Family court) Hansi, Hisar.**
- ii. That the second party i.e. sahil Singhmar husband of the first party shall paid Rs. 10, 00000/- (Ten lakhs) rupees to the first party after granting the divorce petition under section 13-B of Hindu Marriage Act, by the competent Hon’ble court.**

- iii. That the first party will be bound for withdrawn of all litigations, which are pending before the all courts.
- iv. That now no consideration and difference are pending between both parties except ten lakh rupees and gold ornaments.
- v. That the both party will not be taken any action against each-other in future regarding the matrimonial dispute.
- vi. That the first party has no objection if Hon'ble High court quash the above said FIR No.0056 dated 11.09.2019 under sections 498A/323/406/506/34 IPC, Women Police Station Hansi, now which is pending in the court of Hansi.
- vii. That in view of the compromise between both parties the first party does not want to peruse the above referred criminal case version and cross version in the above referred FIR and will not file any civil and criminal litigation in future."

Accordingly, pursuant to an order dated 01.10.2020, passed by this Court, the Sub Divisional Judicial Magistrate, Hansi, after recording the statements of the parties, qua the execution and veracity of the alleged compromise, has submitted a report dated 08.10.2020:

"Keeping in view the facts and circumstances of the case, oral as well as recorded statements of the parties, this Court is of the considered opinion that a voluntary amicable settlement has been arrived at between the parties in this case.

To the Point No.(ii) & (iii) of the aforesaid order dated 01.10.2020 of Hon'ble High Court, it is respectfully submitted that in the FIR in question, Sahil Singhmar (Husband), Suresh Singhmar (father-

in-law) and Sushila (mother-in-law) are named as accused, out of which, only accused Sahil Singhmar (husband) has been challaned in this case by the investigating agency. None of the accused has been declared proclaimed offender/person in this case. Now the case is fixed for 17.11.2020 for presence of accused and for arguments on framing of charges.

Copies of statement of complainant and that of accused so recorded on 08.10.2020, are annexed with this report for further proceedings.”

The Court has also been informed that in terms of the compromise, the parties have even filed a petition for dissolution of marriage, under Section 13-B of the Hindu Marriage Act, before the District Judge (Family Court), Hansi, Hisar.

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.56, dated 11.09.2019, under Sections 498-A, 323, 406, 506 & 34 of IPC, registered at Women Police Station Hansi, District Hansi and all subsequent proceedings arising therefrom are quashed.

18.11.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO