

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

...Petitioners

...Respondents

misunderstanding between the parties and thereafter, the police investigated the case and during the investigation, it was also found that the petitioner No.2 was innocent. He further referred to the memorandum of understanding and the deed of separation (Annexure P-2), wherein, both the petitioner No.1 and respondent No.2 have decided to part ways with each other and detailed settlement has been recorded in the aforesaid deed of understanding for the purpose of returning of the dowry articles, Istridhan and other marriage expenses and also maintenance, which is to be made. Adequate arrangements have also been made for the custody of the children in the aforesaid memorandum of understanding. He further submitted that it was a case of matrimonial dispute and the parties have settled amicably and further prosecution of the petitioner would not be in the interest of justice and therefore, the present FIR is liable to be quashed.

On 19.12.2019, this Court while issuing notice of motion has also directed that the parties shall appear before the Illaqa Magistrate/trial Court for getting their statements recorded qua the factum of compromise. In pursuance of the order dated 19.12.2019, report has been received from Judicial Magistrate, Ist Class, Gurugram, dated 06.02.2020, wherein the learned Judicial Magistrate, Ist Class, Gurugram has stated in the report that the complainant got recorded her statement to the effect that that the matter has been amicably settled with the petitioner voluntarily and without any fear, undue influence or coercion and that she has no objection if the FIR is quashed and both the parties were duly represented by their counsel. Both the parties placed on record copy of their Aadhar Card to establish their identity. Before recording the statements of the parties, the Judicial Magistrate, Ist Class, Gurugram has questioned the parties at length, whereupon the compromise between the parties appear to be genuine and

voluntary and further as per the report of the concerned Investigating Officer as well as the statement of the parties, there is no other person or aggrieved party in the present case.

Reply has also been filed by the State in which the factual position has been stated by Mr. Naveen Sheoran, DAG, Haryana, who has stated that during the course of investigation the petitioner No.2 has been found to be innocent.

Mr. Garvit Kalra, Advocate who has appeared on behalf of the respondent No.2 (complainant) has also submitted that an amicable settlement has been arrived at between the petitioner and the respondent No.2 and dispute was pertaining to matrimonial dispute and he further states that no useful purpose would be served in case the criminal process is carried out.

I have heard the learned counsel for the parties and have perused the record.

The present case pertains to quashing of the FIR based upon the compromise. The dispute pertains to matrimonial discord and the parties have filed a deed of settlement arrived at Annexure P-2 and thereafter, they have also got recorded their statements before the learned Judicial Magistrate in pursuance of the directions issued by this Court on 19.12.2019.

It is a settled law that the FIR is normally not to be quashed mechanically but can certainly be quashed on the basis of the compromise in order to advance the cause of substantial justice. It is also a well settled law that in serious and heinous crimes, the FIR cannot be quashed.

However, the present case pertains to the matrimonial dispute between the parties and it does not fall in the category of serious and heinous crime.

As per the learned State counsel the matter is still at the investigation stage and challan has not been presented and the petitioner No.2 has been found to be innocent.

Therefore, in view of the law laid down by Hon'ble the Supreme Court in '*Gian Singh versus State of Punjab and another*', *2012(4) RCR (Criminal) 543* and also Full Bench decision of this Court in '*Kulwinder Singh and others vs. State of Punjab and another*', *2007 (3) RCR (Criminal) 1052*, I deem it fit and proper to allow the present petition. Consequently the present petition is allowed and FIR No.117, dated 06.12.2019 under Sections 323, 34, 498A of IPC, 1860 and Sections 66e, 67 of IT Act, 2008 registered at Police Station Women Police Station Manesar, Gurugram along with all consequential proceedings arising therefrom, is hereby quashed qua the petitioners.

(JASGURPREET SINGH PURI)
JUDGE

December 18, 2020

Manpreet

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