

Gaurav Sharma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rohit Nagpal, Advocate, for the petitioners.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Nikhil Kharbanda, Advocate,
for the respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

On 23.02.2021, the following order had been passed:-

Case heard via video conferencing.

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioners and respondent no.2, of FIR no.065 dated 30.05.2019 (as also all other subsequent proceedings arising therefrom), registered at Women Police Station, Gurgaon, for the alleged commission of offences punishable under Sections 323, 406 and 498-A of the IPC, read with Section 34 thereof. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court Mr. Surender Singh, learned AAG, Haryana, accepts notice on behalf of respondent no.1, with Mr. Nikil Kharbanda, Advocate, appearing and accepting notice on behalf of respondent no.2. He is directed to file a power of attorney executed in his favour, before the next date of hearing.

A copy of the petition be e-mailed to learned State counsel as also to counsel for respondent no.2 by learned counsel for the petitioners today itself.

Adjourned to 07.04.2021.

In the meanwhile, the petitioners, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 04.03.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of

undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.”

Pursuant thereto a report of the learned JMIC, Gurugram, dated 09.03.2021, has been received, stating to the effect that respondent no.2 (wife of petitioner no.1 and the complainant in the FIR), recorded a statement before that court to the effect that the matter had been settled between the parties and that she has no objection if the said FIR is quashed.

The statements of the petitioners, Gaurav Sharma, Rupinder Sharma and Rahul Sharma, were also recorded to the same effect.

As per the assessment of that court, the compromise is seen to have been arrived at between the parties without any undue influence or pressure.

It is also however stated that in fact other than petitioner no.1, in the report submitted under Section 173 (2) Cr.P.C., petitioners no.2 and 3 have not been arraigned as accused.

The complainant (respondent no.2), duly identified by her counsel, is also present in court through video conferencing and submits that in terms of the memo of understanding reached between her and petitioner no.1, she has no objection to the FIR being quashed.

Learned counsel appearing for her also submits that a demand draft for an amount of Rs.15 lakhs has also been handed over by counsel for

the petitioners to him for onward transmission to the complainant.

That being so, looking at the nature of the offences alleged to have been committed by the petitioners and the fact that the matter has been compromised between the petitioners and the complainant, the present petition is allowed and FIR No.65, dated 30.05.2019, registered at Police Station Women Police Station, Gurgaon, alleging therein the commission of offences punishable under Sections 323, 406, 498-A, 506 and 34 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

April 07, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No