

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(238)

CRM-M-26009-2021

Date of Decision:- 08.11.2021

Subhash Chand Dang and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pardeep Goyal, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana
for respondent No.1.

Mr. Yashpal Yadav, Advocate for respondent No.2.

...
SUVIR SEHGAL, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.163 dated 11.09.2019 under Sections 323, 34, 354-B, 377, 498-A and 506 of the Indian Penal Code, 1860, registered at Women Police Station, Faridabad, Annexure P-1, on the basis of compromise/settlement deed, Annexure P-2, arrived at between the parties, along with all subsequent proceedings arising therefrom.

Counsel for the petitioners submits that petitioner No.1 was married to the complainant-respondent No.2 on 06.10.2013 and a daughter was born out of the wedlock on 24.08.2015. He submits that the relations

between the parties remained strained from the beginning and a petition seeking divorce was filed, which was withdrawn on 01.10.2014 after a compromise was entered into between the parties. The parties again separated on 30.01.2016 and another petition was filed under Section 13 of the Hindu Marriage Act, 1955 on 09.05.2016 and on 15.05.2016, an FIR bearing No.189 dated 15.05.2016 was lodged by the complainant-respondent No.2 under Sections 498-A, 406 and 506, IPC, at Police Station Sector 31, Faridabad. He submits that once again the parties compromised and started living together and petition was filed for quashing of the said FIR on the basis of compromise. According to the counsel, once again differences arose between the parties and before the first FIR could be quashed, the present FIR was registered with even more serious allegations, which were levelled not only against the husband, but even against his relatives-petitioners No.2 to 5. Counsel submits that now the matrimonial dispute between the parties has been settled, divorce by way of mutual consent has been granted by the Family Court vide judgment dated 05.02.2021, Annexure P-5, and the parties have appeared before the trial Court and recorded their statements in support of the compromise.

Heard.

Vide order dated 07.09.2021, this Court directed the trial Court/Illaq Magistrate to send a report to this Court after recording the statements of the parties in pursuance to the compromise. The report has been received and its relevant extract reads as under:-

“5. I have also inquired from both the parties, especially from complainant, Ms. Meenu Sharma, who has stated that the compromise has been arrived between them vide settlement deed dated 15.10.2019 voluntarily and the same is not due to any threat, coercion or undue influence from the accused side and is a volunteer act of the parties.

6. As per the report of IO, neither of the accused has been declared proclaimed offender in any criminal case and no other case is pending against any of the accused.

7. So, in the view of the aforesaid facts and statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves

to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.163 dated 11.09.2019 under Sections 323, 34, 354-B, 377, 498-A and 506 of the Indian Penal Code, 1860, registered at Women Police Station, Faridabad, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.11.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No