

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

(238-1)

CRM-M-26507-2021

Date of Decision:- 08.11.2021

Subhash Chand Dang**...Petitioner****VERSUS****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

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

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

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

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SUVIR SEHGAL, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.189 dated 15.05.2016 under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860, registered at Police Station Sector 31, 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 petitioner submits that petitioner 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relations between the parties remained strained from the beginning and a petition seeking divorce was filed, which was withdrawn on 01.10.2014 after a compromise was entered into between the parties.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, the present FIR was lodged by the complainant-respondent No.2. He submits that once again

the parties entered into a compromise and started living together, but again separated on 02.05.2017. Two separate petitions filed for quashing of FIR, Annexure P-1, were dismissed by this Court on 27.08.2018 and 13.09.2019. According to the counsel, another FIR bearing No.163 dated 11.09.2019 under Sections 323, 34, 354-B, 377, 498-A and 506 of the Indian Penal Code, 1860 at Women Police Station, Faridabad, has been registered by the complainant-respondent No.2 with serious allegations with an intention to involve the husband and his relatives. 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, the parties have appeared before the trial Court and recorded their statements in support of the compromise and both the FIRs are being sought to be quashed by way of separate petitions.

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:-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the matter with their free will and full senses, so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So this compromise (Exhibit C-1), between the parties appears to be genuine and valid. It is further submitted that accused has not been declared proclaimed offender in this case and no other case is pending against him.”

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.189 dated 15.05.2016 under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860, registered at Police Station Sector 31, Faridabad, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

08.11.2021
Kamal

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