

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

215

**CRM-M-26851 of 2021
Date of decision:18.11.2021**

Sandeep Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sahil Goel, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr.Amrinder Pal Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0736 dated 18.09.2020 registered under Sections 354-C, 354-D and 509 of Indian Penal Code, 1860 at Police Station Panipat City, District Panipat (Annexure P-1), alongwith all other consequential proceedings arising therefrom, on the basis of compromise dated 08.07.2021 (Annexure P-2) entered into between the parties.

Counsel for the petitioner submits that the allegation levelled against the petitioner in the FIR (Annexure P-1) lodged by the complainant-respondent No.2, who is a practicing lawyer, is that the petitioner has been harassing her by repeatedly calling her on mobile and has circulated her mobile number and photographs on the social media. Counsel submits that FIR has been lodged due to some misunderstanding between them and the parties have entered into compromise (Annexure P-2), whereby, it has been agreed that the complainant-respondent No.2 is not interested in following legal proceedings against the petitioner. He submits that pursuant to the order passed by this Court, the parties have appeared before the trial Court/Illaq Magistrate and their statements have been recorded in support of the compromise.

State counsel has, however, opposed the petition on the ground that the offences are non-compoundable and cannot be quashed on the basis of the compromise. She submits that after completion of investigation, challan has been presented, but the charge is yet to be framed.

Counsel for the complainant-respondent No.2 has submitted that complainant does not want to take any action against the petitioner and the matter has been settled between the parties.

Heard.

By order dated 15.07.2021, this Court called for a report from the trial Court/Illaq Magistrate, after recording the statements of the parties, regarding genuineness of the compromise and as to whether any PO proceedings are pending against anyone of the them. Report has been

received and the relevant extract thereof, is reproduced as under:-

“1. With regard to query no.1, joint statement of parties has been recorded and they have been duly identified by their respective counsels. They also tendered the compromise Agreement Ex.P1 on record. This Court is satisfied that parties have entered into compromise without any fear or coercion and they are making the statement voluntarily and they both have suffered that they have compromised the matter without any fear, free will or coercion and copy of the compromise is Annexure A. In the instant FIR, there is only one victim/complainant i.e. Dxxx (name withheld) and there is only one accused i.e. Sandeep and both are present in the Court. According to the compromise, victim/complainant does not want any action against accused Sandeep and she has no objection to quash the instant FIR.

2. With regard to query no.2, it is report (sic reported) that no PO proceedings is/are pending against any of the party as the instant case was pending for 19.08.2021 for consideration on charge nor any accused has been declared P.O in the instant case.”

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. **In Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

Noticing the fact that the complainant-respondent No.2 is a member of the legal profession and has entered into a compromise being fully aware of its implications, this Court is of the opinion that the FIR is the result of a dispute, which is *prima facie* personal in nature and deserves to be quashed to restore harmony between the parties. Counsel for the parties are also ad idem that no purpose would be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0736 dated 18.09.2020 registered under Sections 354-C, 354-D and 509 of Indian Penal Code, 1860 at Police Station Panipat City, District Panipat (Annexure P-1), and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

November 18, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes