

113+229

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

**CRM-6458-2021 in/and
CRM-M-22404-2020
Date of Decision: 16.03.2021**

Mahesh and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Punit Malik, Advocate for the petitioners.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

Mr. Paramjit Phor, Advocate for the respondent No. 2.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No. 114, dated 24th November, 2019 under Sections 323/ 34/ 354-A/ 377/ 406/ 498-A/ 506 of IPC, registered at Women Police Station, Manesar, District Gurugram on the basis of compromise.

Vide order dated 19th November, 2020, the parties were directed to appear before the *Ilqa* Magistrate/ trial Court for getting their statements recorded. On 9th February, 2021, learned counsel for the parties sought one more opportunity to appear before the trial Court. As no explanation was coming forth for not appearing before the trial Court, cost of Rs. 25,000/- was imposed.

The report dated 13th January, 2021 of the Judicial

Magistrate First Class, Gurugram is received, stating that compromise is voluntary and without any coercion. It is further stated that petitioners have not been declared proclaimed offenders.

The present litigation is outcome of matrimonial dispute. The parties, with the intervention of respectables of the family have decided to part ways and proceed further in their lives.

The Supreme Court in ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another***, 2013 (2) SCC (Cri) 302 held:-

“10. As stated earlier, it is not in dispute that after filing of a complaint in respect of the offences punishable under Sections 498A and 406 of IPC, the parties, in the instant case, arrived at a mutual settlement and the complainant also has sworn an affidavit supporting the stand of the appellants. That was the position before the trial Court as well as before the High Court in a petition filed under Section 482 of the Code. A perusal of the impugned order of the High Court shows that because the mutual settlement arrived at between the parties relate to non-compoundable offence, the court proceeded on a wrong premise that it cannot be compounded and dismissed the petition filed under Section 482. A perusal of the petition before the High Court shows that the application filed by the appellants was not for compounding of non-compoundable offences but for the purpose of quashing the criminal proceedings.

11. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi (supra), this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

12. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled

the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

Considering that entire litigation was result of a dispute between husband and wife who have parted their ways by dissolving marriage, no useful purpose would be served by forcing them into a grinding stone of trial. It would not only affect their future but would create future complications in their lives.

To meet the ends of justice, the FIR mentioned above and any consequential proceedings are quashed.

Since the parties had appeared for recording of statement in pursuance of the order dated 9th February, 2021 of this Court, cost imposed vide order dated 9th February, 2021 is waived off.

Since the main petition is disposed of, the pending application bearing CRM No.6458 of 2020 has been rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

16th March, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes