

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(239)

CRM-M-29029-2021

Date of Decision:- 02.11.2021

Sonali Ahlawat and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Jain, Advocate  
for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana for respondent No.1.

Mr. Sanjay Vashisth, Advocate for respondent No.2.

...  
**SUVIR SEHGAL, J. (Oral)**

On 28.07.2021, this Court passed the following order:-

*“The Court has been convened through video conferencing dueto Covid-19 pandemic.*

*Prayer in this petition is for quashing of FIR No.22 dated 09.01.2020 registered under Sections 420, 467, 468 and 471 of Indian Penal Code, 1860 at Police Station Sonipat, District Sonipat alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 23.04.2021 (Annexure P-2) arrived at between the parties.*

*Counsel for the petitioners submits that petitioner No.1 is the wife of respondent No.2 and because of matrimonial discord, numerous complaints have been lodged by them against each other. He submits that the disputes between the parties, which are*

*purely personal in nature, have been sorted out and compromise (Annexure P-3) has been arrived at between them. He has referred to para 19 of the petition to submit that none of the petitioners have been declared as Proclaimed Offender in any of the proceedings.*

*Notice of motion.*

*On asking of the Court, Mr. Gurmeet Singh, Assistant Advocate General, Haryana accepts notice on behalf of respondent No.1-State and Mr. Sanjay Vashisth, Advocate appears on behalf of respondent No.2 and has filed his 'Vakalatnama' which is taken on record. He has admitted the factum of compromise.*

*The parties and Investigating Officer are directed to appear before the Duty Magistrate/Illaq Magistrate on 23.08 .2020 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaq Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-*

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*

*5. whether any other criminal case is pending against the accused.*

*Report of Duty Magistrate/Illaqa Magistrate be awaited for 02.11.2021.”*

In compliance of the above reproduced order, report has been received from the trial Court. The relevant extract of which is as under:-

- (i) Only three accused, namely, Sonali Ahlawat, Ashish Gehlawat and Nafe Singh Ahlawat has been arrayed in the FIR and the said accused are not a proclaimed offender/absconder and have recorded their statements before the undersigned.*
- (ii) Joint statement of the complainant, aggrieved persons and accused have been recorded.*
- (iii) Case is at the stage of investigation and no remand papers or report u/s 173 of Cr.P.C. is pending before this Court.*
- (iv) From the on oath statement of the parties recorded in the presence of their Advocates and from the questions put by this Court to the parties, this Court is of the opinion that compromise arrived between the parties is genuine, voluntary and out of their free will and consent.*
- (v) As per statement of Investigating Officer, no other case is pending against the accused.”*

Counsel for the petitioners submits that in terms of compromise dated 23.04.2021, Annexure P-2, arrived at between the parties, the husband-complainant-respondent No.2 has abided by the terms of the settlement. This fact is admitted by the counsel representing the petitioner.

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*** 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. 22 dated 09.01.2020 registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Sonipat City, District Sonipat along all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)  
JUDGE

02.11.2021  
Kamal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |