

(242) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26633 of 2020
Date of Decision : 24.02.2021

Rahul Verma and Ors. ...Petitioners

Versus

State of Haryana and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Tanmoy Gupta, Advocate for the petitioners.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Garvit Kalra, Advocate for the complainant.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.0011, dated 24.01.2019 registered under Sections 34, 406 and 498-A IPC at Police Station Jatusana, District Rewari along with all consequential criminal proceedings emanating therefrom on the basis of compromise, Annexure P/2 dated 29.02.2020, as well as the decision of Hon'ble the Supreme Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Crl.) 543** as well as **B.S Joshi v. State of Haryana, 2003 (2) RCR (Crl.) 888**.

2. Learned counsel for the petitioners contends that marriage between petitioner No.1 and respondent No.2 was solemnized at Rewari on 20.04.2018. However, there is no child out of the aforementioned wedlock and due to differences between petitioner No.1 and respondent No.2, there

got registered by respondent No.2. However, now with the intervention of respectable members of society from both sides, disputes amongst the parties has been amicably resolved and a compromise (Annexure P/2) dated 29.02.2020 executed between petitioner No.1 and respondent No.2 as per which petitioner No.1 had agreed to pay an amount of Rs.22,00,000/- to respondent No.2 in full and final settlement of all claims, out of which Rs.8,00,000/- was paid at the time of recording of the statement of first motion on 29.02.2020 before the learned Additional Principal Judge, Family Court, Gurugram, Rs.7,00,000/- was paid at the time of recording of statement of second motion besides balance amount has also been paid as per compromise to the complainant. Receipt of full payment as per compromise is acknowledged by learned counsel for the complainant / respondent No. 2. Learned Counsel for the petitioner as well as learned counsel for the complainant / respondent No. 2 state that apart from Rs.22,00,000/- having been paid by the petitioner to respondent No.2, in terms of the compromise, petitioner No.1 and respondent No.2 have been granted a decree of dissolution of marriage by the Court of the learned Additional Principal Judge, Family Court, Gurugram on 31.08.2020 pursuant to the order of this Court dated 08.09.2020.

3. Statements of the parties were recorded by the learned Additional Civil Judge (Sr. Div.)-cum-Sub Divisional Judicial Magistrate, Kosli on 29.09.2020 as per which respondent No.2/complainant has stated that she has entered into a compromise with the accused in respect of FIR No.11 dated 24.01.2019 registered under Sections 498-A and 406 read with Section 34 IPC at Police Station Jatusana out of her own free will and volition and with the assistance of well meaning elders and that in the

accused persons. Likewise, accused Rahul, Dharam Singh and Anita Devi (petitioners herein) also stated that they had compromised the matter with respondent No.2/complainant – Manisha Verma with the assistance of well meaning elders and that the same was voluntary. Accordingly, learned Additional Civil Judge (Sr. Div)-cum-Sub Divisional Judicial Magistrate, Kosliopined that she was of the opinion that the compromise had been arrived at between the parties voluntarily, without coercion and pressure and that no PO proceedings were pending in the case against the accused.

4. Learned State counsel, as well as learned counsel for the complainant/respondent No.2 unequivocally state that they have no objections, if the aforementioned FIR and all consequential proceedings arising therefrom are quashed on the basis of compromise, Annexure P/2 dated 29.02.2020, as well as decisions of Hon'ble the Supreme Court in **Gian Singh's case (Supra) and B.S. Joshi's case (Supra)**. Relevant extracts of the aforesaid decisions are reproduced as under:-

“(a) Gian Singh's case (supra)

57.But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the

criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

“(b) B.S. Joshi’s case (supra)

12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13. The observations made by the Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad & Ors. [(2000) 3 SCC 693] are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude

and in that process the parties lose their "young" days in chasing their "cases" in different courts.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Sections 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.”

5. I have heard learned counsel for the parties and considered their submissions.

6. Admittedly, it is the duty of the Court to encourage genuine settlement of matrimonial disputes in view of the decision of Hon’ble the Supreme Court in **B.S. Joshi’s case (Supra)**. Continuation of criminal proceedings would put the accused to great oppression and prejudice despite full and complete settlement and compromise with the victim. In such a situation, it would be unfair and contrary to the interest of justice besides abuse of process of law if the proceedings are allowed to continue, despite settlement and compromise between the victim and the wrongdoer.

7. In a compromise all the parties stand to gain and none is a loser. Not only does a compromise brings about peace and harmony between the parties to the dispute but the parties are also able them to move on in life and build their life afresh. Accordingly, taking into account the offences under

which the FIR has been registered, as also the fact that the parties have amicably settled the dispute by way of compromise, continuation of the criminal proceedings would be an exercise in futility.

8. Accordingly, in the light of the position noted above, compromise, Annexure P/2 dated 29.02.2020 as well as the decisions of Hon'ble the Supreme Court in **Gian Singh and B.S. Joshi's case (Supra)**, instant petition under Section 482 CrPC is ***allowed*** and FIR No.0011, dated 24.01.2019 registered under Sections 34, 406 and 498-A IPC at Police Station Jatusana, District Rewari as also all consequential criminal proceedings emanating therefrom are *quashed* qua the petitioners.

(B.S. Walia)
Judge

February 24, 2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>