

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

224

CRM-M-36349-2021
Date of decision:22.11.2021

Hanish Khatter and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ajay Wadhwa, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Aman Dhir, Advocate
for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.86 dated 22.03.2017 under Sections 498-A, 406, 323, 506 and 34 IPC, 1860, registered at Police Station Old Faridabad, Faridabad, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise/settlement agreement dated 24.02.2021, Annexure P-2, arrived at between the parties and joint statement of petitioner No.1 and complainant, Annexure P-3.

Counsel for the petitioner has placed on record a copy of the decree of divorce by mutual consent passed by Family Court, Faridabad on 08.10.2021, which is taken on record as Mark 'A'. Counsel for the petitioner submits that petitioner No.1 is the husband of complainant/respondent No.2 and petitioner No.2 is her mother-in-law. He submits that the marriage between petitioner No.1 and complainant/respondent No.2 was solemnized on 27.11.2015, however, due to temperamental differences between the two, they started residing separately from August, 2016, and the impugned FIR came to be registered at the instance of respondent No.2, who also filed a petition under the Protection of Women from Domestic Violence Act, 2005 and under Section 125 Cr.P.C. Counsel for the petitioner submits that the dispute and differences between the parties have been resolved by virtue of a settlement/agreement dated 24.02.2021, Annexure P-2, agreed sum of Rs.13 lacs has been paid to the complainant/respondent No.2 and the marriage between the parties has been dissolved vide decree dated 08.10.2021, Mark 'A'. He submits that pursuant to order dated 22.09.2021 passed by this Court, parties have appeared before the Trial Court/Illaq Magistrate and their statements have been recorded in support of the compromise.

On the basis of reply filed by way of an affidavit of Assistant Commissioner of Police, Central, District Faridabad, State counsel submits that investigation is complete, challan has been presented and charge has been framed against both the petitioners. She has, however, opposed the petition on the ground that some of the offences are non-compoundable.

Counsel representing the complainant/respondent No.2 has verified the statement made by counsel for the petitioner.

Heard.

Vide order dated 22.09.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and get their statements recorded regarding the compromise and a report was sought for from the Court regarding the genuineness of the compromise as well as the fact as to whether any of the parties has been declared as a Proclaimed Offender. Report has been received in compliance of the said order and the relevant extract thereof is reproduced hereunder:-

“4. After careful perusal of the statements given on solemn affirmation by both the parties, the undersigned is convinced that the above-said persons have made their statements voluntarily, without any pressure or inducement and compromise entered into between the parties appears to be genuine.

5. As per the statement of ASI Ram Avtar Belt no.2606, Faridabad, there are no PO proceedings pending against any of the parties.”

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.

In Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834, Hon'ble Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

The differences between the parties arose because of a marital discord and the disputes have been settled, litigation instituted by complainant/respondent No.2 has been agreed to be withdrawn by her. The dispute being primarily personal in nature having been settled, this Court is of the opinion that continuation of the criminal proceedings would not serve any purpose.

Counsel for the parties are also ad idem that in view of the settlement between the parties, the present petition deserves to be accepted.

Accordingly, the petition is allowed. FIR No.86 dated 22.03.2017 under Sections 498-A, 406, 323, 506 and 34 IPC, 1860, registered at Police Station Old Faridabad, Faridabad, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

22.11.2021
sheetal

(SUVIR SEHGAL)
JUDGE

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