

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-31702-2020  
Date of Decision: 21.01.2021

Deepak ....Petitioner

Versus

State of Haryana and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Mohit Aneja, Advocate,  
for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

Mr. Sanjeev Kumar, Advocate,  
for respondent No.2.

**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 482 of the Code of Criminal Procedure, for quashing of FIR No.191 dated 09.04.2019 (Annexure P-1), under Sections 323, 34, 354-A, 377, 406, 498-A and 506 of the Indian Penal Code, registered at Police Station Samalkha, District Panipat and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

As per the FIR, respondent No. 2 has lodged various allegations not only against the petitioner but also against other persons including the brother of the petitioner.

The learned counsel for the petitioner has stated that the present dispute was basically a matrimonial dispute between the parties and arising

out of the said matrimonial dispute, the present FIR was lodged based upon false allegations. He has further submitted that now a compromise has been arrived at between the husband and the wife i.e. petitioner and respondent No. 2 vide Annexure P-2 and it has been resolved that the husband shall pay Rs.7,50,000/- and that he had already returned the entire *istridhan*, jewellery and dowry articles. He has submitted that even petition under Section 13-B of Hindu Marriage Act was also filed in which second motion has also been completed. He has further submitted that now since the matter has been amicably settled between the parties, no useful purpose would be served in case the criminal proceedings arising from the FIR are continued and therefore, it would be in the interest of justice to quash the FIR on the basis of the compromise.

Notice of motion in the present case was issued on 08.10.2020, wherein this Court had directed the parties to appear before the learned trial Court/Ilaqa Magistrate for recording of their statements.

In pursuance of the aforesaid order, the parties had appeared before the learned Ilaqa Magistrate and a report has been received from the learned Sub-Divisional Judicial Magistrate, Samalkha (Panipat) dated 23.11.2020 in which the learned Sub-Divisional Judicial Magistrate has reported that both the complainant as well as the accused appeared in the Court on 13.11.2020 for getting their statements recorded with regard to the compromise. It is further stated in the report that one accused has been arrayed in the present FIR and he has appeared before the Court. No accused is absconding/proclaimed offender in this case. Name of the complainant is Jyoti daughter of Balwan Singh who has appeared and made her statement in

support of the compromise. It is further stated in the report that the compromise between the parties appears to be genuine and entered into voluntarily and out of their free will. Accused has suffered a separate statement that he has compromised the matter with the complainant and in response to the same, the complainant also affirmed the fact that the matter has been compromised with the accused and she does not want to continue with any proceedings against the accused and both the parties have categorically stated that they have entered into the compromise without any pressure and it has been done out of their free will and both the parties were duly identified by their respective counsels.

The learned counsel for the petitioner has further submitted that although there was another accused in the FIR but he was declared as innocent and challan was not presented against him and there is only one accused in the present FIR, who is the present petitioner.

The learned State counsel has submitted that it was a case of matrimonial dispute and the matter has been settled between the parties and therefore, appropriate orders may be passed in this regard.

Mr. Sanjeev Kumar, Advocate, counsel for respondent No. 2 has also submitted that the matter has been duly compromised and he has no objection in case the present FIR and consequential proceedings arising therefrom are quashed.

I have the learned counsel for the parties.

It is a case where a matrimonial discord took place between the petitioner and respondent No.2 and ultimately entered into an amicable settlement vide Annexure P-2, which was a compromise entered into

between both the husband and his wife and in which various terms and conditions has been laid down including the alimony which is to be given to the wife. Furthermore, as stated by the learned counsel for the parties, the petition under Section 13-B of Hindu Marriage Act has already been filed in which second motion statement has already been recorded. Furthermore, both the parties have recorded their respective statements before the learned Ilaqa Magistrate/trial Court, who has reported that the compromise is genuine in nature and it is without any force.

In the present case, the controversy between the parties has been resolved and both the parties have amicably settled their disputes with each other and therefore, the present FIR does not fall within the category of serious or a heinous crime. After perusing the paper-book of the present case and after hearing the learned counsel for the parties, this Court is satisfied that the continuation of criminal proceedings against the petitioner would not be in the interest of justice in view of the fact that an amicable settlement has been arrived at between the husband and wife.

Therefore, considering the totality of the facts and circumstances of the present case and keeping in view the law laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and also the law laid down by Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the present petition is allowed and the FIR No.191 dated 09.04.2019, under Sections 323, 34, 354-A, 377, 406, 498-A and 506 of the Indian Penal Code, registered at Police Station Samalkha, District Panipat and all the consequential proceedings arising

therefrom on the basis of compromise (Annexure P-2) are quashed, qua the petitioner.

21.01.2021  
adhikari

(JASGURPREET SINGH PURI)  
JUDGE

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|-------------------------------|---|--------|
| Whether speaking/non-speaking | : | Yes/No |
| Whether reportable            | : | Yes/No |