

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

224

CRM-M-35238-2020

Date of decision : 07.01.2021

Lalit and others

... Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

Present : Mr.Mohit Chaudhary, Advocate
for the petitioners.

Mr.Naveen Sheoran DAG, Haryana

Mr.Parunjeet Singh, Advocate
for complainant-respondent No.2.

(Through Video Conference)

Jasgurpreet Singh Puri, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C.
for quashing of FIR No.No.322 dated 18.09.2016 (Annexure P-1)
registered under Sections 406 and 498-A IPC at Police Station
Kurukshetra University, District Kurukshetra and all the subsequent
proceedings arising therefrom on the basis of compromise dated
26.10.2020 (Annexure P-2).

The learned counsel for the petitioners has submitted that the
petitioner No.1 and respondent No. 2 were married to each other on
23.11.2012 and thereafter dispute arose between them and now the matter
has been settled by way of compromise (Annexure P-2).

Notice in the present case was issued on 02.11.2020 wherein
the State of Haryana as well as Respondent No.2 had accepted notice and

they were directed to file their respective replies on or before the next date of hearing. On 23.11.2020, reply was filed by respondent No.2-wife and it has been stated in the reply that respondent No.2 has received the alimony and nothing is due towards the petitioner. However, the State did not choose to file its reply. Thereafter in view of the aforesaid position, this court directed the parties to appear before the Trial Court/Illaq Magistrate on 15.12.2020 or any other date convenient to the Court for recording their statements with regard to the compromise.

The Judicial Magistrate 1st Class, Kurukshetra, has vide letter dated 22.12.2020, sent a report in this regard. It has been submitted in the report that the parties have come present on 15.12.2020 and their statements were recorded on oath in presence of their counsels and on their identification of the parties. Separate statement of complainant-Sonia and separate joint statement of accused persons Dharam Singh, Lalit and Kusum were recorded by the aforesaid Magistrate. As per the statements, the parties have settled their dispute and the Magistrate has recorded his satisfaction with regard to the fact that the settlement is genuine, voluntary and is without coercion and undue influence. It has further been recorded in the report that the status report in the present FIR was called from the SHO concerned and as per the report, none of the accused is a Proclaimed offender.

Learned counsel for the petitioners has submitted that since it was a matrimonial dispute between petitioner No. 1 and Respondent No.2 and the matter has now been amicably settled between them vide (Annexure P-2) and alimony stands paid to the respondent No. 2, no

useful purpose would be served in case the present proceedings are carried on.

Learned counsel for respondent No.2 has also submitted that the wife does not have any objection in case the present FIR is quashed and no useful purpose would be served in continuing of the criminal proceedings once they have settled the dispute amicably.

The State has not filed its reply but learned State counsel has submitted that it is correct that the parties have amicably settled and it was only a case of matrimonial dispute, therefore, he has prayed that appropriate orders may be passed.

I have heard learned counsel for the parties.

The law with regard to quashing of FIR on the basis of compromise is well settled. In cases where serious and heinous offence is involved, normally the Courts should restrain itself in quashing the FIR based upon compromise as it will be against the public interest and the State. However, the cases in which serious and heinous offence is not involved, the Court can always consider exercising its inherent powers under Section 482 Cr.P.C. in the facts and circumstances of each and every case for the purpose of quashing of FIR on the basis of compromise. However, the present case pertains to the matrimonial dispute between the parties and it does not fall in the category of serious and heinous crime. Each and every case has to be decided on the facts and circumstances of its own merits.

In the present case this Court is satisfied that it is a fit case where the FIR in question and subsequent proceedings can be quashed on

the basis of compromise because it is purely a matrimonial dispute and the parties have amicably settled themselves and respondent No.2 has also not objected to the quashing of the FIR.

Therefore, in view of the law laid down by Hon'ble the Supreme Court in '*Gian Singh versus State of Punjab and another*', **2012(4) RCR (Criminal) 543** and also Full Bench decision of this Court in '*Kulwinder Singh and others vs. State of Punjab and another*', **2007 (3) RCR (Criminal) 1052**, I deem it fit and proper to allow the present petition.

Consequently, the present petition is allowed and FIR No.No.322 dated 18.09.2016 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Kurukshetra University, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise dated 26.10.2020 (Annexure P-2), is hereby quashed qua the petitioners.

[JASGURPREET SINGH PURI]
JUDGE

07.01.2021

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No