

206

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

\*\*\*\*

**CRM-M-37192-2020**

**Date of Decision: 11.02.2021**

**YOGESH**

**PETITIONER**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Deepak Vashishth, Advocate for the petitioner.  
Mr. Deepak Bhardwaj, DAG, Haryana.  
Mr. Amandeep Chhabra, Advocate for respondent No.2.

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**AVNEESH JHINGAN, J (Oral):**

This petition is for quashing of FIR No. 406 dated 01.09.2016 registered under Sections 323, 406, 498-A and 506 IPC registered at Police Station Badshahpur. The quashing is sought on the basis of compromise.

The FIR was a result of a matrimonial dispute. During the pendency of the dispute the parties have compromised the matter and filed the present petition for quashing.

Reply filed by learned State counsel is taken on record.

Following order was passed by this Court on 11<sup>th</sup> November,

2020:-

*“ The matter is taken up for hearing through video conference due to COVID-19 situation.*

*Learned counsel for the petitioner submits that in*

*pursuance to FIR No. 406 dated 1.9.2016 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Badshahpur, charges have been framed only against the petitioner and not others named in FIR. He submits that the matter has been compromised.*

*Notice of motion.*

*Ms. Safia Gupta, AAG, Haryana and Mr. Amandeep Chhabra, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2, respectively.*

*Learned counsel for the petitioner and respondent No.2 are ad idem that the matter has been compromised.*

*Learned counsel for respondent No.2 is not opposing the quashing of FIR.*

*Let the parties appear before Illaqa Magistrate/trial Court on 27.1.2021 for recording their statements with regard to the compromise/settlement.*

*The trial court is directed to submit a report on or before the next date of hearing containing the following information:*

- 1. Number of persons arrayed as accused in FIR;*
- 2. Whether accused is proclaimed offender; and*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

*List on 11.2.2021.”*

The report dated 9<sup>th</sup> February, 2021 is received stating that the compromise is genuine, voluntary and without any coercion or undue influence.

“ The Supreme Court in ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another, 2013 (2) SCC (Cri) 302*** held:-

*“10. As stated earlier, it is not in dispute that after filing of a complaint in respect of the offences punishable under Sections 498A and 406 of IPC, the parties, in the instant case, arrived at a mutual settlement and the complainant also has sworn an affidavit supporting the stand of the appellants. That was the position before the trial Court as well as before the High Court in a petition filed under Section 482 of the Code. A perusal of the impugned order of the High Court shows that because the mutual settlement arrived at between the parties relate to non-compoundable offence, the court proceeded on a wrong premise that it cannot be compounded and dismissed the petition filed under Section 482. A perusal of the petition before the High Court shows that the application filed by the appellants was not for compounding of non-compoundable offences but for the purpose of quashing the criminal proceedings.*

*11. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi (supra), this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.*

*12. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly,*

*when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”*

The root cause of the dispute was a matrimonial dispute and parties have resolved their differences by filing a divorce petition. In such circumstances the continuation with the trial would only undo the efforts of the parties to proceed further with their respective lives. To meet the ends of justice, the FIR mentioned above and all consequential proceedings are quashed.

The petition is allowed.

**[AVNEESH JHINGAN]**  
**JUDGE**

**11<sup>th</sup> February, 2021**

*sham*

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |