

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-36963-2020 (O & M)
Date of decision:08.10.2021

Kavita Goel and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Munish Kumar Garg, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Deepam Raghav, Advocate
for respondents No.2 and 3.

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.2295 dated 20.11.2019 under Sections 406 and 420 IPC, 1860, Annexure P-1, at Police Station Shivaji Nagar, District Gurugram, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 20.02.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of a financial dispute between the parties, which has been settled by virtue of

compromise deed dated 20.02.2020, Annexure P-2. He submits that in compliance of the order passed by this Court, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Heard.

In pursuance of orders dated 17.12.2020 and 01.07.2021, a report of the trial court has been received, which is reproduced hereunder:-

*“It is humbly submitted that the Hon’ble High Court vide its order dated 17.12.2020 and 01.07.2021 passed in CRM-M No.36963 of 2020 titled as **“Kavita Goyal & Ors. Vs. State of Haryana and another”** has directed this Court to report regarding the following facts:-*

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

In respect of the first information as sought by the Hon’ble High Court, it is humbly submitted that as per record and police report filed by the SHO concerned, there are two accused namely Atul Goyal and Kavita Goyal, in the present case and both are on bail. It is further submitted that both the accused have been appearing in the Court and none of them is absconding/PO in this Case.

In respect of information at point number two it is submitted that there are two complainant /injured /aggrieved namely Satbir s/o Sh. Amar Singh and Rajbala w/o Satbir in the present case both have appeared and made statement in support of compromise.

In respect of information at point number three it is submitted that present case is at the stage of framing of charge.

In respect of information at point number four it is submitted that in pursuance of orders of the Hon'ble High Court both the parties have appeared before the Court on 02.08.2021. Complainant Satbir Singh, duly identified by Investigating Officer, suffered a statement to the effect that he is victim/complainant in the present case and compromise has been effected between the parties on 20.02.2020 with the intervention of respectable person and he has entered into compromise voluntarily, without any undue influence or coercion. Photocopy of compromise is marked C-1.

Rajbala W/o Satbir Singh who is one of the aggrieved in the present case duly identified by the Investigating Officer, suffered a statement to the effect she is victim/aggrieved in the present case. The compromise has been effected between the parties on 20.02.2020 with the intervention of respectable person. She has no grievance against the accused.

Accused Kavita Goyal has also suffered separate statement to the effect that compromise has been effected between the parties on 20.02.2020 with the intervention of respectable person and she has entered into compromise voluntarily, without any undue influence or coercion. She further stated that no other criminal case is pending against her.

Accused Atul Goyal has suffered the statement that he is one of the accused in the present case. The compromise has been effected between the parties on 20.02.2020 with the intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. Photocopy of compromise is mark C1. It is further stated that another case bearing FIR No.518 dated 23.12.2015, U/S 406/420 of IPC, P.S. Dharuhera, Rewari was pending against him and in that case he has already been acquitted on 27.08.2019 by the Court of Ms. Anuradha, Ld. JMFC, Rewari. It is further stated that four cases under Section 138 of Negotiable Instrument Act are pending against him.

Being satisfied that the statements were being voluntarily made, statements of both the parties were recorded on oath, wherein they have acknowledged of having entered into compromise on 20.02.2020, photocopy of compromise which is placed on record as Mark C-1.

In respect of information at point number

five it is submitted that SI Rupesh Kumar, Belt No.85, P.S. Shivaji Nagar, Gurugram has suffered a statement to the effect that there is no other case pending against accused Kavita Goyal. However, another case bearing FIR No.518 dated 23.12.2015, U/S 406/420 of IPC, P.S. Dharuhera, Rewari was pending against the accused Atul Goyal. It is further stated that there is no other accused in the present case except the accused Atul Goyal and Kavita Goyal. Accused Atul Goyal has also suffered the statement that another case bearing FIR No.518 dated 23.12.2015, U/S 406/420 of IPC, P.S. Dharuhera, Rewari was pending against him and in that case he has already been acquitted on 27.08.2019 by the Court of Ms. Anuradh, Ld. JMFC, Rewari. It is further stated that four cases under Section 138 of Negotiable Instrument Act are pending against him.

In view of the statements of interested parties, this Court is satisfied that the compromised has been arrived between the parties and the said compromise is genuine, voluntary and out of free will of the parties. Statement of the parties and Investigating Officer in original and settlement/compromise deed (Mark C-1) are enclosed herewith.”

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.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.2295 dated 20.11.2019 under Sections 406 and 420 IPC, 1860, Annexure P-1, at Police Station Shivaji Nagar, District Gurugram, and all the consequential proceedings arising therefrom, are quashed qua the petitioners.

08.10.2021

(SUVIR SEHGAL)

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JUDGE

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