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

CRM-M-37226-2020

Date of Decision: 3rd March, 2021

NIKHIL CHADHA

PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D.S. Punia, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Rajeev Sharma, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This petition is filed for quashing of FIR No. 151, dated 23rd November, 2019 registered under Sections 323, 354, 406, 498-A, 506 and 34 IPC registered at Police Station Women West Gurugram, District Gurugram. The quashing is sought on the basis of compromise.

The FIR was outcome of a matrimonial dispute. During the pendency of the dispute, the parties have compromised the matter and decided to part away.

On 11th November, 2020 the parties were directed to appear before the trial Court for recording of their statements.

The report dated 15th January, 2021 from Chief Judicial Magistrate, Gurugram is received stating that the compromise is genuine, voluntary and without any coercion. It is further stated that there is only one accused and has not been declared proclaimed offender.

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.”

Considering that it was a matrimonial dispute and parties in their wisdom have decided to part their ways and to proceed further with their lives, no useful purpose would be served by continuation of trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

3rd MARCH, 2021

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