

**CRM No.7530 of 2021 in/and
CRM-M-42039 of 2020**

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

**CRM No.7530 of 2021 in/and
CRM-M-42039 of 2020
Date of decision:15.03.2021**

Deepak Bansal and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rohit Jindal, Advocate
for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Rajeev Kumar Gupta, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due
to Covid-19 pandemic.

CRM No.7530 of 2021

Prayer in the application is for pre-poning the date of hearing of
the main case from 08.04.2021 to an early date.

Notice of the application to the non-applicant/respondents.

On asking of the Court, Mr.Rajiv Sidhu, Deputy Advocate
General, Haryana accepts notice on behalf of the non-applicant/respondent-
State and Mr. Rajeev Kumar Gutpa, Advocate appears on behalf of the non-

applicant/respondent No.2-complainant. They have no objection in case the application is allowed.

Application is allowed. Hearing of the main case is preponed from 08.04.2021 to today and is taken on board for hearing today itself.

CRM-M-42039 of 2020

The instant petition has been filed for quashing of FIR No.0029 dated 22.05.2016 registered under Sections 120-B, 323, 406, 498-A and 506 of Indian Penal Code, 1860 at Women Police Station, Panchkula (Annexure P-1) on the basis of compromise deed dated 03.12.2020 (Annexure P-2) arrived at between the parties and affidavit dated 07.12.2020 (Annexure P-3) given by the complainant-respondent No.2 alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners submits that the marriage between petitioner No.1 and complainant-respondent No.2 has been dissolved by virtue of decree of divorce passed on 01.03.2021 (Annexure A-2) and the total alimony of Rs.62 lakhs has been paid to the complainant, out of which balance half was paid at the time of recording of second motion in the petition for divorce by mutual consent.

Counsel representing respondent No.2 has admitted this development.

Vide order dated 15.12.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the

Court.

After recording the statements of the accused-petitioners and complainant-respondent No.2, the Judicial Magistrate Ist Class, Panchkula has reported, relevant extract of which is as under:-

“(1) In the present case, seven persons namely Deepak Bansal, Ramesh Bansal, Bina Rani, Ajay Bansal, Shivani Garg, Vishal Goel and Gopal Goyal were arrayed as accused in the FIR.

(2) No accused is declared Proclaimed Offender in the present case.

(3) At present, the case is fixed at the stage of prosecution evidence.

(4) The compromise has been executed between the parties out of their free will and consent and the said compromise happens to be a genuine, voluntary and without any coercion or undue influence.

(5) There is only one victim namely Chitra Garg (complainant) in the present case.”

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. The 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* 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.0029 dated 22.05.2016 registered under Sections 120-B, 323, 406, 498-A and 506 of Indian Penal Code, 1860 at Women Police Station, Panchkula (Annexure P-1) on the basis of compromise deed dated 03.12.2020 (Annexure P-2) arrived at between the parties and affidavit dated 07.12.2020 (Annexure P-3) given by the complainant-respondent No.2 and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

March 15, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No