

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-44179 of 2020 (O&M)

Date of decision : 6.4.2021

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Vivek Sharma and others

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ravinder Rana, Advocate
for the petitioners.

Mr. Karan Garg, Assistant Advocate General,
Haryana.

Mr. Anil Kumar Rana, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioners – Vivek Sharma, Hoshiyar Singh and Rajbala, have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 39 dated 29.6.2020, for offences under Sections 323, 34, 406, 498-A and 506 IPC, registered at Woman Police Station, Jhajjar, Haryana, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Bharti - arrayed as

respondent No.2.

Briefly stated, the prosecution story is that complainant – Ms. Bharti, daughter of Gopiram Sharma, residing at Jhajjar, Haryana, had submitted a written complaint to the police against her husband Vivek Sharma, brothers-in-law Vikas, Ankur, besides mother-in-law, father-in-law and sister-in-law, levelling allegations of mental and physical harassment on account of demand of dowry. On the basis of that complaint, formal FIR was registered. The investigation in the case started, during the course of which parties have entered into a compromise.

When the petition came up for hearing on 5.1.2021, notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Anil Kumar Rana, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate/Duty Magistrate, to get their statements recorded with regard to compromise and the said Court was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Jhajjar, in terms of which complainant Bharti and accused, namely, Vivek Sharma, Hoshiyar Singh and Rajbala, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further

complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, learned counsel for respondent No.2, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can

safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

6.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No