

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

261

CRM-M-6098 of 2022  
Date of decision:29.04.2022

Aman Kumar and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Karan Singla, Advocate for  
Mr. Rose Gupta, Advocate  
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Kushager Goyal, Advocate  
for respondent No.2.

**SUVIR SEHGAL, J. (Oral)**

On 14.02.2022, this Court passed the following order:-

*“Heard through video conferencing.*

*Instant petition has been filed under Section 482 of the  
Code of Criminal Procedure, 1973 seeking quashing of FIR  
No.0082 dated 26.08.2020, registered for offences under  
Sections 120-B, 328, 354 and 506 of the Indian Penal Code,  
1860, at Police Station Women Police Station, Manesar,  
Gurugram, District Gurugram, Annexure P-1, along with all  
subsequent proceedings arising therefrom, on the basis of*

*compromise dated 27.12.2021,Annexure P-2.*

*Counsel for the petitioners submits that the FIR has been registered by the complainant-respondent No.2 against petitioner No.1, who is the friend of her husband-petitioner No.2, due to a marital discord between the couple. He submits that the dispute has been settled by virtue of compromise, Annexure P-2 and the couple is staying happily together under one roof.*

*Notice of motion.*

*On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of respondent No.1-State. As per instructions received by her from, L/SI, Kiran, final report under Section 173, Cr.P.C. has been presented under Section 120-B, 354 and 506, IPC (Section 328, IPC has been deleted) against both the accused-petitioners, who are on bail. Mr. Kushager Goyal, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise as well as the submissions made by the counsel for the petitioners.*

*The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 10.03.2022 or on any date within a fortnight thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a*

*report on or before the next date of hearing specifying the following:-*

- 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.*

*Report of the Illaqa Magistrate/trial Court be awaited for 29.04.2022.”*

Pursuant thereto, report has been received from the Trial Court which is as under:-

*“1. As regard the report regarding number of accused persons is concerned, it is submitted that as per the record of the case file, there are two accused persons in the present case namely Aman Kumar and Ravi Kumar. This has been supported by the affidavit and statement on oath of the complainant Kusum Lata as well as statement of I.O. Further, with regard to the point as to whether any accused is*

*proclaimed offender, it is submitted that the facts and circumstances of the present case along with the statement on oath of the accused and duly sworn affidavit filed by the accused as well as the statement of the concerned Investigating Officer recorded before this Court, signify that the accused have not been declared proclaimed offender.*

2. *As per the record, the name of complainant is Kusum Lata and there is no other injured/aggrieved in the present case. This has been supported by the statement on oath of the complainant Kusum Lata and statement of Investigating Officer. The said complainant Kusum Lata has appeared and made her statement in support of the compromise.*

3. *It is submitted that the present case is at the stage of arguments on charge.*

4. *This Court is convinced that the compromise between the complainant Kusum Lata and the accused Aman Kumar and Ravi Kumar is genuine and valid, as it is not the result of any undue influence or pressure in any manner. The complainant and the accused have maintained uniformity in regard to the validity of compromise. The respective affidavits of the complainant and accused (Ex.C2, Ex.C4 and Ex.C6) on record further give momentum to the validity and authenticity of the compromise.*

5. *With respect to the point whether any other case is*

*pending against the accused, it is submitted that as per the statement of accused, their affidavits as well as the statement of I.O., no other criminal case is pending against the accused.”*

FIR (Annexure P-1) is a fallout of trivial matrimonial dispute and petitioner No.2 and complainant-respondent No.2 are residing together.

In view of the fact that the parties have decided to bury the hatchet and judgments of Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and another 2012(4) RCR (Criminal) 543** and **Narinder SinghVs. State of Punjab (2014) 6 SCC 466**, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and setting aside the same would enable the parties to lead peaceful and harmonious lives.

Accordingly, the petition is allowed. FIR No.0082 dated 26.08.2020, registered for offences under Sections 120-B, 328, 354 and 506 of the Indian Penal Code, 1860, at Police Station Women Police Station, Manesar, Gurugram, District Gurugram, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

**April 29, 2022**  
savita

**(SUVIR SEHGAL)**  
**JUDGE**

|                                  |            |
|----------------------------------|------------|
| <i>Whether Speaking/Reasoned</i> | <i>Yes</i> |
| <i>Whether Reportable</i>        | <i>Yes</i> |