

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

225

(Through Video Conferencing)

CRM-M-36039-2021

Date of decision: 04.02.2022

Dinesh Shah

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for respondent No.1-State.

Mr. Gaurav Gupta, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No. 168, dated 12.03.2017 (Annexure P-1), under Sections 323, 498-A, 506, 34 of IPC, registered at Police Station Saran, District Faridabad, and all the subsequent proceedings arising therefrom, on the basis of compromise/mutual statement recorded in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 (fore brevity, 'the Act') and on the basis of order dated 18.09.2020 (Annexure P-3) passed by learned ADJ, Family Court, Faridabad in the petition filed under Section 13-B of the Act.

Learned counsel for the petitioner submits that on account of a matrimonial dispute between the parties, FIR in question came into the existence. He further submits that subsequent to the registration of the FIR, parties have arrived at an amicable settlement vide

compromise. He further submits that a joint petition under Section 13-B of Hindu Marriage Act, 1955 has also been filed by the parties.

Vide order dated 02.09.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 30.09.2021 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Faridabad, in pursuance to the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed. The trial Court has annexed the statements of the parties alongwith its report.

Learned State counsel too submits that there are no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Judicial Magistrate, Ist Class, Faridabad and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

04.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No