

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

225

(Through Video Conferencing)

CRM-M-43620-2021

Date of decision: 18.02.2022

Sumanta Basu

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana
for respondent No.1-State.

Mr. Prithvi Raj Sikka, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.367 dated 14.12.2011 under Sections 498-A and 506 IPC registered at Police Station Surajkund, District Faridabad along with all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 09.03.2017 passed by Judicial Magistrate 1st Class, Faridabad on the basis of compromise dated 10.08.2020 (Annexure P-5).

Learned counsel for the petitioner submits that subsequent to the conviction of the petitioner on 09th March, 2017, the parties have arrived at an amicable settlement. He further submits that it was on account of a matrimonial dispute between the parties that the FIR in question came to be registered. He has placed reliance upon the judgments of the Apex Court rendered in ***Criminal Appeal No. 1393 of 2021, titled as, "Ramawatar Vs. State of M.P.", decided on***

25.10.2021 (LL 2021 SC 589) and Criminal Appeal No. 1489 of 2012, titled as, “Ramgopal and another Vs. State of M.P.”, decided on 29.09.2021 and the Division Bench of this Court in this Court in Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102.

Learned counsel for respondent No.2 does not dispute the submissions made by counsel opposite and the factum of compromise having been indeed arrived at between the parties.

Vide order dated 16.12.2021 of this Court, the parties were directed to appear before the learned Chief Judicial Magistrate on 14.01.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Civil Judge (Jr. Divn.)-cum-JMIC, 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 learned Civil Judge (Jr. Divn.)-cum-JMIC, Faridabad has annexed the statements of the parties in original, alongwith its report.

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

In view of the report of the learned Civil Judge (Jr. Divn.)-cum-JMIC, Faridabad and the principles laid down by the Apex Court in *Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh'* decided on 25.10.2021 : LL 2021 SC 589 and this Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 09.03.2017 passed by Judicial Magistrate 1st Class, Faridabad, are quashed.

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

18.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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