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

**CRM-M-52095-2021
Date of Decision: 15.11.2022**

Rajbir

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CRM-M-28265-2022

Lalit Kumar and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.P. Arora, Advocate,
for the petitioner(s) in both cases.

Mr. Naveen S. Panwar, DAG, Haryana.

Ms. Shalini Sharma, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 482 of the Code of Criminal Procedure and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions were filed for quashing of FIR based upon the compromise.

CRM-M-52095-2021 has been filed by the petitioner, namely, Rajbir and CRM-M-28265-2022 has been filed by two accused, namely, Lalit Kumar and Neelam Rani and the complainant, namely, Preeti is respondent No.2 in both the cases.

In both the petitions, prayer is for quashing of FIR No.0168, dated

30.04.2019, registered under Sections 420, 467, 468 & 471 of the IPC at Police Station Hisar Civil, District Hisar with all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2021 arrived at between the parties.

It has been submitted by learned counsel for the petitioners that the complainant/respondent No.2, namely, Preeti, is the widow of one Sandeep Kumar. The Petitioner Rajbir, is the father-in-law of the complainant, the petitioner-Neelam Rani is the sister-in-law of the complainant and petitioner-Lalit Kumar is the husband of her sister-in-law and after the death of the husband of the complainant, a dispute arose with her in-laws and various other litigations were also initiated. However, ultimately, the matter was amicably settled by way of a settlement/compromise deed before the Mediation and Conciliation Centre of this Court in Mediation Case No.1647 of 2019, which has been attached as Annexure P-2/A along with CRM-M-28265-2022 in which all the existing dispute were settled between the parties voluntarily and in an amicable manner. Learned counsel further submitted that there are only three accused in the present case, who are the petitioners in both the cases and the aggrieved person is only the complainant, who is respondent No.2 and no other affected person has been left out. He also submitted that although the matter is still at the investigation stage but the subject matter pertains to a matrimonial dispute which has been settled and does not fall in the category of any serious or heinous offence and therefore, no useful purpose will be served in case further proceedings are carried on and rather in order to secure the ends of justice, the FIR may be quashed based upon compromise. He further submitted that this Court had directed the parties to appear before the learned

trial Court/Illaq Magistrate on 14.12.2021 in CRM-M-52095-2021 and on 07.07.2022 in CRM-M-28265-2022 for recording of their statements and he submitted that in pursuance thereof, all the parties have appeared before the learned Illaq Magistrate/trial Court and the statements of the parties have been recorded in both the cases and a report has also been sent in this regard by the concerned learned Magistrate, and has therefore, prayed that the present FIR may be quashed based upon the compromise.

Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has stated that it was essentially a matrimonial dispute between the parties which has since been settled between them before the Mediation and Conciliation Centre of this Court and no prejudice will be caused to the State in case the present FIR is quashed based upon compromise.

Ms. Shalini Sharma, Advocate has caused appearance on behalf of the complainant and also stated that it is correct that an amicable and voluntary settlement has been arrived at between the parties and the complainant has no objection in case the aforesaid FIR is quashed based upon compromise.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 14.12.2021 in CRM-M-52095-2021 and on 07.07.2022 in CRM-M-28265-2022, the parties have appeared before the learned Illaq Magistrate/Trial Court and have got their statements recorded and a report dated 23.12.2021 has also been received from the Additional Chief Judicial Magistrate, Hisar in CRM-M-52095-2021 and another report dated 25.07.2022 has been received from the learned Judicial Magistrate First Class, Hisar in CRM-M-28265-2022. A perusal of both the reports would show that it has been so stated by the learned

Magistrate that the parties have appeared and got their statements recorded and that the learned Magistrate is satisfied that a compromise has been arrived at between the parties without any coercion or undue influence and out of their own free will.

The present is a case which arose out of a matrimonial dispute between the parties, which has now been settled before the Mediation and Conciliation Centre of this Court and the parties have already got their statements recorded before the learned Magistrate. The subject matter of the present case does not fall in the category of serious or heinous offence.

The law with regard to quashing of FIR based upon the compromise is no longer then *res judicata*. The Hon'ble Supreme Court in **“State of Madhya Pradesh Vs. Laxmi Narayan and others”**, 2019(2) SCC (Crl.) 706 and also in **“Gian Singh Vs. State of Punjab and another”**, 2013 (1) SCC (Crl.) 160 and Full Bench judgment of this Court in **“Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052,”** held that in such like cases where a matrimonial or a financial dispute or offences of such like nature, are compromised amicably, then the Court may in appropriate cases quash the FIR in order to secure the ends of justice. Although, the husband of the complainant already died and technically it may not be termed as matrimonial dispute but it is a dispute essentially between respondent No.2 and her in-laws and the subject matter is pertaining to financial dispute. Be that as it may, the subject matter is not falling in the category of serious or heinous offence and this Court by following the ratio of the law laid down by the Hon'ble Supreme Court in the aforesaid judgments and in order to secure the ends of justice, deems it fit and proper to quash the

present FIR based upon compromise.

In view of the aforesaid facts and circumstances, both the petitions are allowed. FIR No.0168, dated 30.04.2019, registered under Sections 420, 467, 468 & 471 of the IPC at Police Station Hisar Civil, District Hisar with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioners.

15.11.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |