

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8332-2022

Date of Decision: 20.07.2023

Harmenn Sabherwal

. . . . Petitioner

Vs.

State of Haryana and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashok Kumar Dahiya, Advocate, for the petitioner.

Mr.P.S. Pandher, AAG, Punjab.

Mr. Ojas Bansal, Advocate, for respondent No.2.

DEEPAK GUPTA, J. .

Learned counsel for respondent No.2-complainant states that as per his instructions, compromise has not been effected, as payment has not been made. However, learned counsel for the petitioner has drawn attention of this Court towards statement made by respondent No.2-complainant before the learned trial Court and also the written compromise Ex.C1, accompanying the report of the trial Court, wherein there is no reference of any payment to be made to the complainant through any cheque. Learned counsel for the petitioner submits that after settlement of the dispute, respondent No.2-complainant is now backing out from the compromise.

2. I have considered submissions of both the sides and perused the record.

3. This petition under Section 482 Cr.P.C. is filed for quashing FIR No.192 dated 10.08.2021 registered at Police Station Sector 17, Faridabad under Sections 420, 467, 468, 471 and 120B IPC and all the consequent proceedings arising therefrom on the basis of settlement compromise dated 14.02.2022.

4. Vide order dated 25.02.2022, parties were asked to appear before the trial Court for getting their statement recorded. The report dated 22.03.2022 of Id. Trial Court has been received, as per which complainant appeared before the trial Court and made statement that matter has been settled amicably and voluntarily without any sort of pressure or any sort of undue influence upon him and that he was not left with any grievance whatsoever. While recording statement, compromise Ex.C1 was also placed on record.

5. Perusal of the statement of the complainant-respondent No.2 as recorded before the Id. trial Court as well as the compromise Ex.C1 would reveal that there is no reference of any payment through cheque. To the contrary, it was mentioned that parties had settled their all kinds of disputes and misunderstandings.

6. From the aforesaid circumstances, it is apparent that respondent No.2-complainant now wants to back out from compromise.

7. Learned counsel for the petitioner has referred to a decision of Hon'ble Supreme Court rendered in ***Mohd. Shamim Vs. Smt. Nahid Begum***, 2005 (1) RCR (Criminal) 697, in which it had been held that in case compromise had been entered into between the parties and amount has been received by the complainant, the continuation of the proceedings will

be nothing but misuse of process of law, even if the complainant later on backed out. In the cited authority, it was held as under: -

*“14. This Court in **Ruchi Agarwal vs. Amit Kumar Agrawal & Ors.** 2004 (4) RCR (Criminal) 949 (SC); 2004 (8) Supreme 525, in almost a similar situation has quashed a criminal proceeding against the husband, stating:*

“...Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.

8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. . .”

15. In view of the conduct of the First Respondent in entering into the aforementioned settlement, the continuance of the criminal proceeding pending against the Appellants, in our opinion, in this case also, would be an abuse of the process of the court. The Appellant No.1, however, would be entitled to withdraw the sum of Rs.50,000/- which has been deposited in the court. We, therefore, in exercise of our jurisdiction under Article 142 of the Constitution of India direct that the impugned judgment be set aside. The First Information Report lodged against the Appellants is quashed. The Appeal is allowed. However, this order should not be treated as a precedent.”

8. This Court in **Ram Lal and others Vs. State of Haryana and another**, 2008 (2) RCR (Criminal) 823, has also held that when parties entered into compromise, but one of the parties backed out for no reasons, FIR deserved to be quashed despite backing out of the party. Similar view has been taken in **Deepak Arora Vs. State of Haryana and another**,

2015(7) RCR (Criminal) 649 and *Nishan Singh Vs. State of Punjab and another*, 2018 (4) Law Herald 3393.

9. In view of the aforesaid facts and circumstances and the legal position noticed above and also considering the fact that parties had settled their all doubts, disputes and misunderstandings and that now respondent No.2-complainant wants to back out from compromise, continuation of the proceedings in the FIR in question shall be gross misuse of process of law.

10. Consequently, this petition is allowed and FIR No.192 dated 10.08.2021 registered at Police Station Sector 17, Faridabad under Sections 420, 467, 468, 471 and 120B IPC and all consequential proceedings arising therefrom, are hereby quashed.

(DEEPAK GUPTA)
JUDGE

20.07.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No