

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M-17598-2023 (O&M)

Date of decision: 19.12.2023

SOHIT BHADANA AND ANOTHER

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Gaurav Gupta, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0061 dated 04.05.2019 registered at Women Police Station NIT, District Faridabad under Sections 406, 498-A, 323, 34, 506 of the IPC on the basis of compromise effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was result of a matrimonial dispute between petitioner No.1-husband and respondent No.2-wife. Their marriage was solemnized on 30.11.2008 and out of the said wedlock, one male child and one female child were born. There were 6 persons named in the FIR, however during the investigation, challan was presented only against the present petitioners. Now the matter has been finally compromised between the parties and respondent No.2 had given an affidavit that she does not want to take any action against the petitioners in the said FIR (Annexure P-2). Parties are living together in matrimonial home and respondent No.2 has no objection in quashing of the said FIR.

[3] On 13.04.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.0061 dated 04.05.2019, registered under Sections 406, 498-A, 323, 34 and 506 IPC at Women Police Station NIT, Faridabad (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise said to have been entered into between the parties dated 20.03.2023 (Annexure P-2).

Notice of motion.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana, appears and accepts notice on behalf of respondent No.1-State. Mr. Gaurav Singla, Advocate has put in appearance on behalf of respondent No.2 by filing vakalatnama and the same is taken on record.

Let the parties appear before the trial Court/Duty Magistrate on 04.05.2023 or any other date convenient to the Court, for recording their statements with regard to compromise. The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties: The trial Court/Duty Magistrate shall also furnish the following information:

1. Whether there is any other accused, apart from the petitioners arrayed in this petition.

2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.

3. Whether the parties are involved in any other criminal case.

4. Whether any of the parties has been declared a proclaimed offender.

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 28.08.2023.”

[4] As per the report dated 07.08.2023 of Court of Mr. Sumit Turkiya, Judicial Magistrate Ist Class, Faridabad, statements of petitioners and complainant-respondent No.2 have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. There is only one

victim/complainant and the compromise is supported by her.

[5] Learned State counsel upon instructions from ASI Sarita has confirmed this fact that during the investigation, accused Sandeep, Munesh, Jai Kumar and Subhash were found to be innocent and challan was presented only against the present petitioners namely Sohit Kumar and Ashok Kumar.

[6] The Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543, have observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[7] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and since they have decided to live in peace, as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[8] Consequently, this petition is allowed and FIR No.0061 dated 04.05.2019 registered at Women Police Station NIT, District Faridabad under Sections 406, 498-A, 323, 34, 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.12.2023
P.Bhatt

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