

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

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CRM-M-17971-2023 (O&M)

Date of decision: 08.12.2023

DINESH KUMAR AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Piyush Bansal, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. B.K. Bagri, 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.242 dated 19.07.2017 registered at Women Police Station, District Gurugram under Sections 498-A, 34, 506 and 406 of the IPC on the basis of compromise (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioners that the petitioner No.1- Dinesh Kumar and respondent No.2-Nisha were married to each other. Due to a matrimonial dispute, the present FIR was registered. The compromise deed dated 28.03.2023 (Annexure P-2) has been executed between the parties as they wanted to live in peace. He has placed on record certified copy of the order dated 30.09.2023 wherein decree of divorce has been granted in a joint petition filed on behalf of petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955. The same is taken on record.

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

“The petitioners have filed the present petition seeking quashing of FIR No.242 dated 19.07.2017 under Sections 34, 406, 498-A and 506 of the Indian Penal Code, 1860, registered at Police Station Women Police Station, Gurugram, District Gurugram (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 28.03.2023(Annexure P-2).

Notice of motion.

On the asking of Court, Mr. S.S. Pannu, DAG, Haryana, accepts notice on behalf of respondent No.1-State and Mr. B.K. Bagri, Advocate accepts notice and filed Memorandum of Appearance on behalf of respondent No.2, which is taken on record and admits the factum of compromise effected between the parties.

Learned counsel for respondent No.2 is directed to file his Vakalatnama within five working days from today.

Adjourned to 13.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 15.05.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

[4] As per the report dated 15.05.2023 of Court of Mr. Vinay Kakran, Judicial Magistrate Ist Class, Gurugram, 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. No other person is involved in the present FIR. There is only one victim/complainant and the compromise is supported by her.

[5] Reply by way of affidavit of Dr. Kavita, HPS, Assistant Commissioner of Police, CAW, East, Gurugram has been filed on behalf of

respondent-State, which is taken on record.

[6] Learned State counsel has informed that out of total 6 accused, 5 have been declared innocent during the investigation. He has further informed that challan was presented only against the petitioner No.1-Dinesh Kumar and petitioner No.3-Saroj. This fact has been affirmed in para No.5 of the reply.

[7] 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.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.242 dated 19.07.2017 registered at Women Police Station, District Gurugram under Sections 498-A, 34, 506 and 406 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

(HARPREET KAUR JEEWAN)
JUDGE

08.12.2023

P.Bhatt

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