

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(266)

CRM-M-19511-2023

Date of decision:- 08.08.2023

Ravi Chaturvedi and Another

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Amit Prashar, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

The petitioner had earlier approached this Court for quashing of the FIR on the basis of compromise by filing CRM-M-38676-2019. This Court vide order dated 11.09.2019 directed the parties to record their statements before Learned trial Court on 31.10.2019. The petitioner got his statement recorded on 31.10.2019, however, the complainant/respondent No.2 failed to appear to get her statement recorded. Thereafter, the matter could not be taken up on account of COVID-19 Pandemic. On 27.04.2022, the quashing petition was listed for the first time after lifting of the restriction with regard to listing of matters on account of COVID-19 Pandemic. Vide order dated 27.04.2022 (Annexure P-3), the petitioner had withdrawn the quashing petition.

Thereafter, both the parties filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent. A copy of the said petition and the statements of the parties recorded on First motion are attached as Annexures P-4 and P-5 respectively.

The petitioner has now filed the second petition under Section 482 Cr.P.C. for quashing of FIR No.357 dated 05.11.2014 under Sections 354, 354B, 323, 325, 506 and 34 IPC registered at Police Station Bhupani, District Faridabad, Haryana and all other consequential proceedings arising therefrom on the basis of compromise dated 05.01.2019 (Annexure P-2).

This Court vide order dated 29.05.2023 directed parties to get their statements recorded before the trial Court. A report dated 27.07.2023 from Judicial Magistrate 1st Class, Faridabad has been received through District and Sessions Judge, Faridabad according to which the statements of the parties have been recorded and the compromise is genuine and has been arrived at between them voluntarily, without any coercion or undue influence.

Learned State counsel has admitted the factum of compromise and put forth his no objection to quashing of the FIR.

A Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another** reported as 2007(3) RCR(Criminal) 1052 and **Hon'ble Supreme Court in Ramgopal and another vs. State of Madhya Pradesh, 2022 ILR (M.P.) 228**, has discussed in detail the inherent powers of the High Court in quashing criminal proceedings, FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

A perusal of the allegations in the FIR would show that the controversy revolves around the matrimonial dispute between the husband and wife. Both the parties have amicably settled their dispute and these offences are private in nature. The continuation of these proceedings would hamper their

peaceful co-existence and chances of any reconciliation. The present case falls in the category of the cases which can be quashed by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C.

In view of the above judicial pronouncements, this Court is of the of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and FIR No.357 dated 05.11.2014 under Sections 354, 354B, 323, 325, 506 and 34 IPC registered at Police Station Bhupani, District Faridabad, Haryana and all other consequential proceedings arising therefrom are quashed qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

08.08.2023

Spn

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No