

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

(252)

CRM-M-24125-2022

Date of Decision: 16.03.2023

Hitesh Sharma

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Arvind Galav, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Arihant Goyal, Advocate, for respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.0076 dated 20.03.2019 under Sections 448, 506, 511 IPC, registered at P. S. City Kharar (Annexure P-1) along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.04.2022 (Annexure P-2).

2. In the present case, the dispute primarily happens to be an offshoot of matrimonial discord between petitioner and his wife-complainant-respondent No.2.

3. In pursuance to an order dated 23.01.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 14.03.2023 has been received from the concerned court, stating that the compromise between the complainant- Survhi and petitioner-Hitesh Sharma is valid, genuine, voluntary and without any

against 02 accused, however statement of the other accused-Anand Pal has not been recorded as he was not arrayed as party in the petition. No accused has been declared as PO. There is no other criminal case pending against the petitioner.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysingh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011,

Rajinder Singh Vs. State of Punjab & another, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the instant petition is allowed. FIR No.0076 dated 20.03.2019 under Sections 448, 506, 511 IPC, registered at P. S. City Kharar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

8. The aforesaid order shall however, be subject to payment of costs of Rs.25,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

16.03.2022
anil

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