

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

CRM-M-26300-2023 (O&M)

Date of Decision: 23.11.2023

SANJAY SINGH CHAUHAN

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parshant Sethi, Advocate,
for the petitioner.

Mr. K.S. Thakur, A.A.G., Haryana.

Mr. Abhinav Bali, 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 the FIR bearing No. 0248, dated 28.12.2018, registered at Police Station Palla, District Faridabad, under Sections 406 and 498-A of the IPC, on the basis of a compromise dated 18.05.2023 (Annexure P-2), arrived at between the parties.

[2] It is contended on behalf of the petitioner that FIR was an outcome of a matrimonial dispute arising out of misunderstanding which has now been amicably resolved and settled between the parties and a compromise deed in this regard has also been annexed as Annexure P-2 with the petition. It is alleged that the petitioner is the husband of respondent No. 2 and the marriage was solemnized on 24.11.2014. As per the compromise, the petitioner and respondent No. 2 have agreed to

dissolve the marriage, as such, a joint petition under Section 13(B) of the Hindu Marriage Act, 1955 has been filed. The parties have further agreed that no action may be taken in the present FIR which was registered at the instance of respondent No. 2.

[3] As per the compromise the petitioner agreed to pay a sum of ₹3,50,000/- to respondent No. 2-complainant. Out of the said amount, ₹1,75,000/- was agreed to be paid at the time of recording the statement of first motion before the Family Court by cash/cheque/DD. Thereafter, ₹75,000/- was agreed to be paid at the time of quashing of the present FIR and remaining ₹1,00,000/- was agreed to be paid at the time of recording the statement of second motion before the Family Court.

[4] In pursuance of the order dated 24.05.2023, the report from the Court of Judicial Magistrate First Class, Faridabad, has been received, who has recorded the statement of the petitioner-Sanjay Singh Chauhan, respondent No. 2-Savita @ Pooja and the Investigating Officer-ASI Anil Kumar. He has verified that the parties have arrived at a compromise without any undue influence or pressure. He has further verified that the FIR was registered only against the petitioner and none of the accused has been declared as Proclaimed Offender. It is also verified that as per the statement of the investigating officer, no other criminal case is pending against the petitioner. Copies of the statement of respondent No. 2(Savita @ Pooja) and the statement of the petitioner (Sanjay Singh Chauhan) recorded by the Magistrate have also been appended along with the report.

[5] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has

held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[6] Since it was a matrimonial dispute, which has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[7] Consequently, this petition is allowed and FIR bearing No. 0248, dated 28.12.2018, registered at Police Station Palla, District Faridabad, under Sections 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner, subject to making full and final payment on the second motion in divorce petition (as noticed above) which has been filed jointly under Section 13-B of the Hindu Marriage Act, 1955, by the petitioner and respondent No. 2. However, in case the final payment in terms of the compromise (Annexure P-2) is not made, respondent No. 2 (complainant) would be at liberty to file an appropriate application/petition for cancellation of this order.

[8] Pending miscellaneous application (s), if any, shall also stand disposed of.

November 23, 2023

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking	Yes
Whether reportable	No