

2023:PHHC:074549

CRM-M-29135-2022 (O&M)

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

130

CRM-M-29135-2022 (O&M)
Date of Decision:-May 22, 2023

Gaurav Suri

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Saransh Sabharwal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. V.K. Kataria, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

CRM-22612-2023

1. The instant application has been filed seeking preponement of the date of hearing in the main petition, which has been listed for 06.09.2023 to some early date, only on the ground that the matter has been compromised and the petitioner wants to travel abroad for his professional work and find a job as a software engineer.

2. The urgency is genuine, therefore, the present application stands allowed and the main case is taken on Board today itself.

CRM-22616-2023

1. The present application is for placing on record the decree of divorce, as Annexure P-5.

CRM-M-29135-2022 (O&M)

2. Application is allowed as prayed for. Annexure P-5 is taken on record, subject to all just exceptions.

CRM-M-29135-2022

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 185 dated 12.09.2016, registered under Sections 34, 406, 506 and 498-A of Indian Penal Code (Section 34 IPC deleted later on) at Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 07.05.2022 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 16.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 05.04.2023 has been received from the Judicial Magistrate 1st Class, Gurugram, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

Learned State Counsel and learned counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal prosecution in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases *Gian Singh v. State of Punjab and another* 2012(10) SCC 303 and

2023:PHHC:074549

CRM-M-29135-2022 (O&M)

Narinder Singh and others v. State of Punjab and another 2014(6) SCC 406 that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

Consequently, this petition is allowed. FIR No. 185 dated 12.09.2016, registered under Sections 34, 406, 506 and 498-A of Indian Penal Code (Section 34 IPC deleted later on) at Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of cost of Rs. 25,000/- to be deposited by the petitioner and Rs. 25,000/- to be deposited by respondent No.2 within one month from today in the following account:-

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch.

**(ALOK JAIN)
JUDGE**

May 22, 2023
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No