

CRM-M-32100-2023 (O&M) - 1- 2023:PHHC:157602
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

255

CRM-M-32100-2023 (O&M)
Date of decision: 08.12.2023

AMIT KUMAR SHARMA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Brijesh, Advocate for
Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. B.S. Saini, 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.63 dated 14.03.2021, registered at Women Police Station N.I.T., District Faridabad under Sections 323, 354-A, 376, 406, 498-A, 506, 509 and 411 of the IPC read with Section 34 thereof on the basis of compromise dated 29.05.2022 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioner that the petitioner-Amit Kumar and respondent No.2-Khusboo Pathak were married to each other. Due to a matrimonial dispute, the present FIR was registered. Now the parties have decided to dissolve their marriage by way of filing a joint petition under Section 13-B of Hindu Marriage Act and they have further decided not to proceed with the FIR in question. The compromise deed dated 29.05.2022 (Annexure P-2) has been executed between the parties as they wanted to live in peace.

It is further contended on behalf of the petitioner though the present FIR initially registered under Sections 323, 354-A, 376, 406, 498-A, 506, 509 and 411 of the IPC read with Section 34 thereof but at the time of filing the 'challan' Sections 354-A, 376 and 511 IPC read with Section 34 thereof have been deleted.

On 06.07.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.63 dated 14.03.2021 registered at Women Police Station N.I.T. Faridabad, under Sections 498-A, 323, 406, 506 and 509 IPC (offences under Sections 354-A, 376 and 511 read with Section 34 IPC are stated to have been deleted later-on) as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement in respect of their dispute in the present case.

Learned counsel for the petitioner, inter-alia, contends that respondent No.2-complainant happens to be the wife of the petitioner and the subject FIR had been got registered due to some matrimonial discord between them and now, due to the intervention of the family members and other respectables, they have entered into a compromise.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared on behalf of respondent No.1-State in this case in pursuance of the copy of the present petition having been sent to this respondent in advance, accepts the notice.

At this stage, Mr. Balbir Singh Saini, Advocate has also put in appearance on behalf of respondent No.2-complainant in this case and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of his client and also admits the factum of the compromise having been

arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 08.08.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 10.10.2023 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

[3] Learned State counsel has informed that '*challan*' was presented only against the present petitioner and remaining persons were found to be innocent. This fact has been affirmed in the report dated 10.08.2023 sent by Mr. Sumit Turkiya, Judicial Magistrate Ist Class, Faridabad. He also confirms the fact that at the time of filing the '*challan*' Sections 354-A, 376 and 511 IPC read with Section 34 thereof have been deleted. He has also supplied a copy of the order dated

31.08.2022 passed by the trial Court while submitting that the charges were framed by the learned trial Court only under Sections 498-A, 323, 406, 506 and 509 IPC. The same is taken on record.

[4] 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.

[5] 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.

[6] Consequently, this petition is allowed and FIR No.63 dated 14.03.2021 registered at Women Police Station N.I.T., District Faridabad under Sections 498-A, 323, 406, 506, 509 IPC (Sections 354-A, 376, 511 read with Section 34 IPC have been deleted later on) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

(HARPREET KAUR JEEWAN)
JUDGE

08.12.2023
P.Bhatt/nitin

Whether speaking/reasoned Yes/No

Whether reportable Yes/No