

**297 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH 2023:PHHC:158448**

**CRM-M-36270-2023 (OI&M)
Date of Decision: 11.12.2023**

NIKHIL VASHISHTHA

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.K. Gollen, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

Mr. Lokesh Kaushik, Advocate, for
Mr. Pradeep Bhardwaj, 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. 29 dated 29.03.2022 registered at Police Station Women, District Rewari, under Sections 406, 498-A, 506 and 509 IPC (Section 34 IPC deleted later) on the basis of compromise dated 23.07.2023 (Annexure P-2) between the parties.

[2] *Inter alia* contends that the parties have already filed a divorce petition under Section 13-B of the Hindu Marriage Act, 1955, in pursuance to the terms and conditions of the compromise deed dated 23.07.2023 (Annexure P-2). The statement of the parties were initially recorded on 23.03.2023 (Annexure P-3) and now the said petition has already been allowed by the Family Court. As per the report of Ms. Reetu Yadav, Judicial Magistrate Ist Class, Rewari, the statement of the investigating officer has been recorded apart from the statement of the parties. The compromise is voluntarily made between the parties without any coercion.

[3] Learned counsel for the State verified that there were two accused in the FIR. However, during the investigation, the mother-in-law of respondent No. 2 (complainant) was declared innocent and 'challan' was presented only against the petitioner.

[4] On 27.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 19.08.2023 of Ms. Reetu Yadav, Judicial Magistrate, Ist Class, Rewari, through the District & Sessions Judge, Rewari, has been received. As per the said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“Statement of IO is also recorded and as per her statement, FIR No. 29, dated 29.03.2022 was registered against accused Nikhil and no accused have been declared proclaimed person and both accused is also not involved in any other FIR.

In view of the statement of the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise is genuine. The report is accordingly submitted for the kind perusal of Hon'ble Court.”

[6] 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 process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[7] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and 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.

[8] Consequently, this petition is allowed and FIR No. 29 dated 29.03.2022 registered at Police Station Women, District Rewari, under Sections 406, 498-A, 506 and 509 IPC (Section 34 IPC deleted later) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

December 11, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No