

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.278

CRM-M-37828-2023 (O&M)

Date of decision : 21.11.2023

Sandeep Ved Parkash Narang @ Sandeep Narang

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sanchit Punia, Advocate, for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Prlpreet Kaur, Advocate for
Ms. Anu Malika, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.161 dated 16.12.2020, under Sections 323, 406, 498-A, 506 & 34 IPC, registered at Police Station Women, Police Station Hisar, District Hisar, on the basis of family settlement dated 30.06.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that Sandeep Ved Parkash Narang @ Sandeep Narang-petitioner and Anjali-respondent No.2 got married with each other on 29.11.2023. Due to a matrimonial discord, Anjali-respondent No.2 got registered a case under Sections 498-A, 323, 406, & 506 IPC vide FIR No.161/2020 with Police Station, Hisar. However, with the intervention of the respectables and relatives, both the parties have finally settled their matrimonial dispute and compromise deed

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which have been duly signed by the parties. According to the settlement, respondent No.2 has already withdrawn her application under Section 125 Cr.P.C. before Family Court, Hisar and also withdrawn her case under Section 12 of the DV Act on 15.05.2023 which was pending before the Area Magistrate, Hisar. As such, prayer is made to quash the present FIR alongwith all consequent proceedings.

3. On 03.08.2023, the following order was passed:-

“Learned counsel for the petitioner refers to Annexure P-2 dated 30.06.2023 to contend that a compromise has been effected between the parties and prays for quashing of FIR. No.161 dated 16.12.2020, under Sections 323, 406, 498-A & 506 IPC read with Section 34 IPC, registered at Police Station Women, District Hisar (Annexure P-1).

Notice of motion for 21.11.2023.

At the asking of the Court, Mr. Arjun Lakhanpal, Addl. AG, Haryana, accepts notice on behalf of the respondent No.1-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court

At this stage, Ms. Anu Malika, Advocate causes representation on behalf of respondent No.2 and files her power of attorney, which is taken on record. Learned counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 22.8.2023 for recording their statements with regard to compromise/settlement. Trial

Court/Jllaga Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

4. The report dated 29.08.2023 of the Additional Chief Judicial Magistrate, Hisar through the District & Sessions Judge, Hisar, has been received alongwith the statement of the complainant-Anjali, statement of the petitioner and statement of SI-Sulekha recorded by Ms. Neeru Kamboj, Additional Chief Judicial Magistrate, Hisar. As per the said report, the compromise between the parties is genuine, voluntarily and without any coercion. No other criminal case is pending against the petitioner and there is no other victim in the present FIR except the complainant-Anjali whose statement was recorded by the Magistrate.

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 between the parties by way of resolving their differences and this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

7. Consequently, the present petition is allowed and FIR No.161 dated 16.12.2020, under Sections 323, 406, 498-A, 506 & 34 IPC, registered at Police Station Women, Police Station Hisar, District Hisar, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

21.11.2023

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No