

255 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42548-2022

DATE OF DECISION:-13.02.2023

Nijjar and others

...Petitioners.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Inderjeet Singh, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jamshed Ahmed, Advocate for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.006 dated 21.02.2022, under Sections 323, 34, 342, 377 and 506 IPC, registered at Women Police Station Mewat, District Nuh along with all consequential proceedings arising out of the same, on the basis of affidavit of respondent No.2 dated 06.07.2022 of (Annexure P-3).

2. The FIR in question, appears to be an offshoot of matrimonial dispute between the parties. However, with the intervention of respectables, the complainant-husband has been living together with wife, namely, Shehnaz, who is the daughter of petitioner No.1 for the past more than 07 months now.

3. In pursuance to an order dated 27.09.2022 passed by this Court,

whereby the parties were directed to appear before the trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 29.11.2022 has been received from the concerned court stating that compromise arrived at between the parties is genuine one and without any pressure. There is no other accused except the present petitioners. No accused has been declared as PO and no other case is pending against them.

4. In normal circumstances, this Court would not have entertained a matter involving non-compoundable offences, that too, heinous and serious in nature such as in the instant case, the offence complained of including an offence punishable under Section 377 IPC. Even, this Court is conscious of the fact that time and again it has been held that an offence under Section 377 IPC is a grievous offence against society and thus, such matters should not be rounded off, based on compromise, however, the dispute in the present facts being an offshoot of matrimonial misunderstanding, of purely personal in nature, the settlement can be accepted by taking into consideration the larger interest of the two young individuals i.e. the husband and wife and also their family members.

5. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, the complainant-husband and wife, namely, Shehnaz, who is the daughter of petitioner No.1 are now residing together for the past

more than 07 months now, it would be rather in the appropriate and in the interest of both the families, to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

7. Thus, in view of the aforesaid report accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.006 dated 21.02.2022, under Sections 323, 34, 342, 377 and 506 IPC, registered at Women Police Station Mewat, District Nuh as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands disposed of subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.02.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No