

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

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**CRM No. 14265 of 2023 in/and
CRM-M No. 43702 of 2020
Date of Decision : 17.4.2023**

Gaurav Kaushik and others

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Yogendra Kumar, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is an application for early hearing of the main case, fixed for 18.5.2023.

Notice of the application.

Ms. Ankita Ahuja, AAG, Haryana, accepts notice on behalf of respondent no.1/State and Mr. Jai Parkash Rana, Advocate, has put in appearance on behalf of respondent no.2 by filing *vakalatnama*. They have extended no objection if the application is allowed.

In view thereof, the application is allowed.

Main case is preponed and taken up today for hearing.

CRM-M No. 43702 of 2020:

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 284 dated 22.7.2019 under Sections 323 (wrongly mentioned Section 232 IPC in the head note of the petition), 354-A, 406, 498-A, 506 and 34 IPC registered at Police Station Rewari City, District Rewari (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise deed dated 4.1.2020 (Annexure P-2) entered into between the

petitioners and the complainant to settle their disputes in question.

2. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 23.12.2020. Pursuant thereto, a report dated 22.1.2021 has been received from Judicial Magistrate Ist Class, Rewari, at Flag 'B', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor have they been declared proclaimed persons.

3. 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.

4. It has been held by the Supreme Court of India in cases *Gian Singh v. State of Punjab and another*, 2012(10) SCC 303 and *State of Madhya Pradesh v. Laxmi Narayan and others*, (2019) 5 SCC 688, 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 by entering into a compromise. The power is not confined to matrimonial disputes alone. On similar lines is another judgment of the Supreme Court in *Shiji v. Radhika*, 2012 (1) SCC (Criminal) 101, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

5. Further, reference can also be made to Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another*, 2007(3)

R.C.R.(Criminal) 1052, holding that on the parties settling their disputes by way of a compromise, the High Court in exercise of power under Section 482 Cr.P.C. can allow the compounding of non-compoundable offences also, and quash the criminal proceedings to prevent abuse of the process of law or otherwise to secure the ends of justice. The power is not confined to matrimonial disputes alone.

6. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case, arising out of matrimonial relationship, falls in the category of cases that can be quashed by the High Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C., as per law laid down in the aforementioned judgments. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot be termed as crime against the society; nor do they show mental depravity of the petitioners. Since disputes between the parties have been amicably resolved by way of the compromise, continuation of criminal proceedings will be an exercise in futility, as chances of ultimate conviction are not there, and it will hamper their peaceful coexistence even after resolution of disputes.

7. Consequently, this petition is allowed. FIR No.284 dated 22.7.2019 under Sections 323, 354-A, 406, 498-A, 506 and 34 IPC registered at Police Station Rewari City, District Rewari (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

17.4.2023

Ashwani