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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4930-2024 (O&M)
Date of decision: 31.07.2024

Shobhit Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Ms. Palak Goyal, Advocate for
Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Satish Sharma, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.159 dated 22.11.2018 under Sections 498-A, 406 of Indian Penal Code, 1860 (for short 'IPC'), registered at Women Police Station Sector 51, Gurugram, District Gurugram and all subsequent proceedings arising therefrom in view of joint statement dated 03.11.2023 made by the petitioner and respondent



No.2 in the petition under Section 13-B of Hindu Marriage Act, 1955 (for short 'HM Act') filed for dissolution of marriage by a decree of divorce by way of mutual consent (Annexure P-2).

2. The following order was passed on 11.03.2024 : -

"This petition has been filed for quashing of FIR No.159, dated 22.11.2018 registered under Sections 498-A and 406 of IPC at Women Police Station, Sector 51, Gurugram, District Gurugram along with all consequential proceedings arising therefrom, on the basis of a compromise which was arrived at between the parties during the course of a petition filed under Section 13-B of Hindu Marriage Act, 1955 for dissolving their marriage by a decree of divorce.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed person.

Mr. Kunal Muthreja, Advocate appears and has filed his memo of appearance on behalf of respondent No.2. He admits the factum of compromise arrived at between the parties. He seeks time to file his vakalatnama.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 01.04.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-



- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 29.04.2024.

Vakalatnama on behalf of respondent No.2 be also filed on the date fixed.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007***



(3) *RCR (Crl.) 1052*, this petition is allowed and FIR No.159 dated 22.11.2018 under Sections 498-A, 406 of IPC, registered at Women Police Station Sector 51, Gurugram, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

31.07.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No