

Sr. No.276

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9473-2023
Date of decision: 26th February, 2024

SOURABH AND OTHERSPetitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manvinder Singh Sidhu, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Manish Verma, Advocate for
Mr. J.S. Lalli, 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. 0992 dated 22.12.2018, under Sections 323, 34, 342, 498-A, 376 and 506 IPC, 1860 (Sections 376, 354, 342 IPC deleted later on), registered at Police Station Sonipat City, District Sonipat (Annexure P-1), on the basis of compromise dated 11.10.2021 (Annexure P-2) arrived at between the parties.
2. Learned counsel for the petitioners contends that the FIR was registered due to a matrimonial dispute between petitioner No.1-husband and respondent No.2-wife. Petitioner No.2 is the brother-in-law, petitioner No.3 is the mother-in-law and petitioner No.4 is the father-in-law of respondent No.2. The parties have effected a compromise and compromise deed dated 11.10.2021 (Annexure P-2) has been executed between the parties. Decree of divorce dated 11.04.2022 (Annexure P-3) has been passed by the Family Court, Sonipat and the marriage between petitioner No.1 and respondent No.2 stands dissolved.

3. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioner is quashed.

4. On 22.02.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 10.07.2023 of the Judicial Magistrate, Ist Class, Sonipat, through the District & Sessions Judge, Sonipat, has been received, wherein, following observations have been made:-

1. *Reena, (complainant) appeared before the court on 1.5.2023 and got recorded her separate statement as per which, she has compromised the matter with the accused namely Sourabh, Sunil and Raj Singh without any pressure from any quarter. She has no objection if the FIR No. 992 dated 22.12.2018 under Sections 323, 498-A and 506 r/w section 34 of IPC, PS City, Sonapat is quashed against the accused persons. In the statement dated 1.5.2023 the complainant has also been identified by her counsel Sh. Satender S. Dahiya, Advocate.*

2. *The accused namely Sourabh, Sunil and Raj Singh, who were identified by their counsel Sh. Parveen Narual, Advocate, suffered a statement respectively, that they have compromised the matter with the complainant Reena without any pressure from any quarter and FIR No. 992 dated 22.12.2018 under Sections 323, 498-A and 506 r/w section 34 of IPC, PS City, Sonapat, may be quashed.*

3. *None of the persons, who had given statements, had stated that they are under pressure of any kind. Even the Id. Counsel for the parties has not stated before this court that any of the person/party is under pressure of any kind, as such, it is concluded that the statements of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and is valid one.*

4. *I.O./ SI Vijay Pal no. 619/ Spt, PS City, Sonapat also appeared and suffered a statement, as per which, there are three accused namely*

Sourabh, Raj Singh and Sunil. There is no other case registered against them in his knowledge and Reena is the only victim/complainant in the present FIR. There is no proclaimed person in FIR No. 992 dated 22.12.2018 under Sections 323, 498-A and 506z/w section 34 of IPC, PS City, Sonapat.

5. *In the present case initially, Sourabh, Sunil, Raj Singh and Gaurav @ Goldy were made the accused, but later on, the charge-sheet/ challan was not filed qua Gaurav @ Goldy. So now there are only three accused persons namely Sourabh, Sunil and Raj Singh and all of them have compromised with the complainant.*

6. *Notice was also issued to the father and mother of the complainant but they did not appear to give their statement and it appears that they have no objection in the compromise.*

7. *Since as per the statement of Investigating Officer and as per the contents of the FIR, there was only one complainant/victim, so the compromise is not partial as she has compromised with all the accused who were charge-sheeted.”*

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

7. 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.

8. Since the matrimonial dispute between petitioner No.1 and respondent No.2 has been resolved and the marriage between petitioner No.1 and respondent No.2 stands dissolved by way of decree of divorce dated 11.04.2022, passed by the Family Court, Sonipat, as such, further proceedings on the basis of the present FIR

is not in the interest of parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

9. Consequently, this petition is allowed and FIR No. 0992 dated 22.12.2018, under Sections 323, 34, 342, 498-A, 376 and 506 IPC, 1860 (Sections 376, 354, 342 IPC deleted later on), registered at Police Station Sonipat City, District Sonipat (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>