

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

264

CRM-M-11756-2023 (O&M)
Date of decision: 19.01.2024

PARVEEN KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Piyush Aggarwal, Advocate for
Mr. Amit Sharma, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Sukhpal Singh, 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.0157 dated 10.08.2016 registered at Police Station Women Police, Gurgaon, Haryana under Sections 34, 354, 406, 498-A, 506 of the IPC on the basis of statements dated 10.03.2022 and 14.09.2022 (Annexures P-3 and P-4).

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner No.1 and respondent No.2, which has now been settled. He further contends that the parties have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 and decree of divorce has already been granted by Family Court, Gurugram on 14.09.2022 (Annexure P-2).

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 09.03.2023, the parties were directed to appear before the Duty Magistrate/Illaq Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 28.07.2023 of Court of Mr. Sunil Kumar, Judicial Magistrate Ist Class, Gurugram, statements of petitioners and complainant-respondent No.2 have been recorded. The present FIR was registered against accused Parveen Kumar@ Sonu, Davinder, Rajabala and Harish. During the course of investigation, Rajabala and Harish were found innocent and challan was presented only against the present petitioners-Parveen Kumar @ Sonu and Davinder. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to break the matrimonial ties as decree of divorce has already been granted by the Family Court, Gurugram, as such, further continuing with the present FIR is not in the interest of the 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.0157 dated 10.08.2016 registered at Police Station Women Police, Gurgaon, Haryana under Sections 34, 354, 406, 498-A, 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.01.2024
P.Bhatt

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