

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13472-2021 (O&M)

Date of decision: 10.04.2024

NITISH SHARMA AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harsh Goyal, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 453 dated 04.09.2017 registered under Sections 323, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Shahbad, District Kurukshetra all subsequent proceedings arising therefrom in view of the compromise dated 21.12.2020 (Annexure P-2).

2. The following order was passed on 24.03.2021:

"The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0453 dated 04.09.2017 registered under Sections 323, 377, 406, 498-A and 506 IPC at Police Station Shahabd. District Kurukshetra alongwith all subsequent proceedings arising therein, on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners submits that the impugned FIR is a result of an acrimony between the husband-petitioner No.1 and his wife-respondent No.2 which has been settled by virtue of a compromise (Anneuxre P-2). He submits that in terms of the compromise, the entire amount, i.e. Rs.38,00,000/- as permanent alimony, has been paid to respondent No.2-complainant and a petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, has been instituted at Family Court, Kurukshetra and the first motion has been recorded. Learned

counsel further submits that second motion in the petition for divorce is to be recorded on 23.07.2021.

Notice of motion.

On asking of the Court, Mr. K.S. Thakur. A.A.G. Haryana, accepts notice on behalf of respondent-State. Upon instructions, he submits that challan in the case has been presented.

Mr. Shyam Singh Chhokar, Advocate, has put in appearance on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 23.07.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court 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/P.O 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;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 06.09.2021."

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. 453 dated 04.09.2017 registered

under Sections 323, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Shahbad, District Kurukshetra and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 10, 2024

Ajay Goswami

(i)

Whether speaking/reasoned

(ii)

Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No