



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23248-2024

Date of Decision: 08.07.2024

Raghav Vohra and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gurinder Singh Dhillon, Advocate for the petitioners.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Ms. Vibha Nagar, Advocate with
Mr. Manav Jain, Advocate for
Mr. Manish Jain, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are the husband and parents-in-law of the complainant/respondent No.2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 28 dated 07.03.2021 (Annexure P-1) under Sections 323, 34, 406, 498-A and 506 IPC, registered at Women Cell Police Station, Gurugram and all consequential proceedings arising therefrom on the basis of compromise/Settlement Agreement dated 02.04.2024 (Annexure P-4) arrived at between the parties.

Pursuant to the order dated 10.05.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Gurugram, to get their statements recorded. Learned Judicial Magistrate 1st Class, Gurugram, has submitted his report along with statements of



the parties vide letter dated 22.05.2024 duly forwarded by the learned District and Sessions Judge, Gurugram on 23.05.2024.

A perusal of the above said report would show that initially 6 accused, namely, (i) Raghav Vohra (husband); (ii) Rekha Vohra (mother-in-law); (iii) Arun Vohra (father-in-law); (iv) Raj Rani Vohra (grandmother-in-law); (v) Anuj Gupta (brother-in-law); and (vi) Divya Vohra (sister-in-law) were arrayed in the FIR. However, the challan is filed only against the present petitioners. The petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the present petitioners and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioners.

At this stage, learned proxy counsel for respondent No. 2-complainant submits that as per the Settlement Agreement dated 02.04.2024 (Annexure P-4), the entire matter has been settled for an amount of Rs. 1,50,00,000/- (Rupees One Crore and Fifty Lacs only) of which payment is required to be paid in installments by the petitioner No.1. The petitioner No.1 has duly paid the 1st installment of Rs.10 lacs to the complainant by 15.04.2024; the 2nd installment of Rs.25 lacs was to be paid by 30.06.2024 to the complainant. However, only an amount



of Rs.20 lacs has been paid to the complainant and, therefore, an amount of Rs.5lacs is outstanding to the petitioner.

Learned counsel for the petitioners submits that as per the terms of the said Settlement Agreement, 3rd installment of Rs.35 lacs is to be paid by 30.09.2024 and the petitioner No.1 will make good of the remaining amount of Rs.5 lacs, if any, to the complainant by 30.09.2024. Learned counsel for the petitioners also draws attention of this Court to clause 8 (c) of the said Settlement Agreement which is stipulated as under:-

“It is further agreed that in case the date of 2nd motion for mutual divorce falls before 30.12.2024, the respondent-husband undertakes to clear all the pending amount on or before the date of 2nd motion under Section 13-B of HMA.”

Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate 1st Class, Gurugram, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **“Kulwinder**



Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of “*Gian Singh Vs. State of Punjab and another*”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 28 dated 07.03.2021 (Annexure P-1) under Sections 323, 34, 406, 498-A and 506 IPC, registered at Women Cell Police Station, Gurugram and all consequential proceedings arising therefrom on the basis of compromise/Settlement Agreement dated



02.04.2024 (Annexure P-4), are ordered to be quashed qua the petitioners.

08.07.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No