

CRM-M-25119-2023 (O&M)

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2024:PHHC:010953

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25119-2023 (O&M)

Date of Decision: 25.01.2024

ABHISHEK VERMA AND OTHERS

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gurjeet Brar, Advocate, for
Mr. Vikas Singh, Advocate,
for the petitioners.

Ms. Mayuri Lakhanpal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 20 dated 26.11.2015, registered at Police Station Panchkula, District Panchkula, under Sections 323, 406, 498-A and 506 of the IPC read with Section 120-B thereof, on the basis of compromise dated 10.03.2023 (Annexure P-2) between the parties.

2. It is contended on behalf of the petitioner that it was a matrimonial dispute between respondent No. 2 (wife) and petitioner No. 1 (husband). The FIR was registered at the instance of respondent No. 2-complainant against four persons, however, Surinder Kumar Verma one of the accused had expired and this fact has been confirmed by the trial Court as per the report of the trial Court dated 20.12.2023. Now the parties have amicably settled their dispute. As per the judgment dated 03.07.2019 and decree dated 07.02.2019 in HMA Case No. 370 of 2017, the marriage between petitioner

No. 1 and respondent No. 2 has been dissolved. Thereafter, respondent No. 2 filed an application for setting aside the *ex parte* judgment dated 03.07.2019 and the *ex parte* order dated 07.02.2019 but as per the compromise, respondent No. 2 has agreed to withdraw the said application. As such the aforesaid judgment and decree of divorce has become final. Respondent No. 2-wife has also agreed to withdraw the petition under Section 25 of the Guardians and Wards Act, 1890, pending before the learned Family Court, Panchkula. It is also decided by the petitioners that the custody of the minor child shall remain with respondent No. 2.

3. A status report, dated 24.01.2024, by way of an affidavit of Sh. Arvind Kamboj, Assistant Commissioner of Police, Crime Panchkula, has been filed in Court today by learned State counsel. The same is taken on record.

4. In the said report it is clarified that during the investigation accused persons namely Saroj Luthra and Diwakar Luthra were found to be innocent and the said fact has been verified by the concerned SHO and thereafter, by the concerned Assistant Commissioner of Police, Panchkula. It is also alleged that there is no other FIR pending against the present petitions except the present FIR. Petitioner No. 1 Abhishek Verma has been declared Proclaimed Offender vide order dated 02.03.2019 in the present FIR but later he appeared before the learned trial Court in compliance of the order passed by this Court and later on released on bail.

5. On 05.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

6. The report dated 20.12.2023 of the Judicial Magistrate, Ist Class, Panchkula, through the District & Sessions Judge, Panchkula, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:-

“(i) Initially FIR was registered against four persons. namely, Abhishek Verma, Ankit Verma, Rita Verma and Surinder Kumar Verma (now deceased). However, Surinder Kumar Verma expired subsequently.

(ii) As per the report of police. proclamation proceedings were initiated against the accused Abhishek Verma and FIR No. 367 of 2019 was registered under Section 174- A IPC, P.S. Sector 5, Panchkula. Vide order dated 05.10.2023, passed in CRM-M-25137 of 2023 titled as "Abhishek Verma Vs State of Haryana and anr." by the Hon'ble Punjab and Haryana High Court, the said FIR was quashed and no other FIR/criminal case is pending against the accused. It was also informed that no party has been declared a proclaimed offender.

(iii) There is only one complainant or affected/aggrieved party, namely, Akanksha Ghai.

(iv) As per the statements of the parties, the compromise appears to be voluntary and without any undue influence, coercion or pressure.”

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

8. 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.

9. Since it was a matrimonial dispute between the petitioner and respondent No. 2 which has been now resolved as such, further proceedings on the basis of the present FIR is not in the interest of parties, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

10. Consequently, this petition is allowed and FIR No. 20 dated 26.11.2015, registered at Police Station Panchkula, District Panchkula, under Sections 323, 406, 498-A and 506 of the IPC read with Section 120-B and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 25, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No