

Sr. No.284

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29356-2023
Date of decision: 22nd February, 2024

MAHAVIR SINGH RAWAT AND OTHERS**Petitioners**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Raghav Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.361 dated 25.05.2022, under Sections 406, 498-A, 506 IPC, 1860, registered at Police Station, Sector 32-33, Karnal (Annexure P-1) on the basis of a compromise dated 26.05.2023, executed between the parties (Annexure P-3).
2. The FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between the parties.
3. Learned counsel for the petitioners contends that the matter has been settled between the parties. The parties filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 and decree of divorce dated 26.05.2023 has been passed by the Family Court, Karnal (Annexure P-4). Respondent No.2-wife has received a sum of Rs.27,50,000/- from petitioner No.1-husband as full and final

settlement of all her claims of maintenance. Respondent No.2 does not want to take any action against the petitioners and she has no objection if the FIR is quashed.

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

4.1 As per the status report filed by way of an affidavit of Sh. Nayab Singh, HPS, Deputy Superintendent of Police, Women Safety, Karnal, the statements of witnesses were recorded separately and during the course of investigation, the allegations levelled against Poonam Negi (sister-in-law) and allegations levelled against Mahavir qua committing the unnatural sex, were found to be false and accordingly, Section 354-A/377 of IPC were deleted in the present case and Poonam Negi was found to be innocent.

5. 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 petitioners is quashed by this Court.

6. On 21.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

7. Pursuant to the aforesaid order, Sh. Khatri Saurabh, Additional Chief Judicial Magistrate, Karnal has sent a report dated 23.01.2024, through District and Sessions Judge, Karnal, with the following observations:-

“1. On 22.12.2023, complainant Sujata as well as accused persons, namely, Mahavir Singh, Sarojani and Surender Singh appeared before the court and their separate statements regarding compromise were recorded.

2. Complainant was duly identified by her counsel Shri Pal Singh Chaudhary, Advocate and accused persons were duly identified by Shri Bharat Malik, Advocate.

3. Investigating Officer was not present on the above said date, nor his report was received. In pursuance of court notice, SI Rishipal, No.763/knl,

Police Post, Sector 9, Karnal appeared before the court on 19.1.2024 and suffered his statement to the effect that in the present FIR, three persons, namely, Mahavir Singh, Surrender Singh and Sarojani have been arrayed as accused.

4. No accused has been declared proclaimed offender.

5. No other case has been registered against the accused.

6. The compromise has been effected without without any pressure and coercion. Now complainant does not want any action against accused persons and requested to quash the FIR in question.

7. Both the counsels representing their respective parties have stated that the matter has been compromised between the parties and there is no ill will between the two sides.”

8. The Hon'ble 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 compromise, in a modern society, is the *sine qua non* of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court” or “to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be

any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

9. Keeping in view the fact that the compromise is genuine and voluntary; decree of divorce dated 26.05.2023 has been passed by the Family Court, Karnal (Annexure P-4) and respondent No.2-wife has received a sum of Rs.27,50,000/- from petitioner No.1-husband as full and final settlement qua maintenance, it would not be in the interest of the parties to continue with the proceedings, as such, to secure the ends of justice, the criminal proceedings deserve to be quashed.
10. Consequently, the present petition is allowed and FIR No.361 dated 25.05.2022, under Sections 406, 498-A, 506 IPC, 1860, registered at Police Station, Sector 32-33, Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.
11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No