



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-29018-2024
Date of decision:28.10.2024

VEER PAL ARYA AND OTHERS ..PETITIONER(S)
Versus

STATE OF HARYANA AND ANOTHER ...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishab Garg, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikas Dhoolra, Advocate for
Mr. Abhishek Chaudhary, Advocate
for the respondent No.2.

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.0049 dated 25.02.2021 (Annexure P-1) registered under Sections 34, 323, 406, 498-A and 506 IPC at Police Station Sector 56, District Gurugram and all subsequent proceedings arising therefrom in view of the compromise dated 28.11.2023 (Annexure P-2).

2. The following order was passed on 08.07.2024:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0049 dated 25.02.2021 (Annexure P-1) registered under Sections 34, 323, 406, 498-A and 506 IPC at Police Station Sector 56, District Gurugram and all the consequential proceedings



arising therefrom on the basis of compromise dated 28.11.2023 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is the husband; petitioner No. 2 and 5 are the sisters-in-law (Nanad); petitioner No. 3 is the mother-in-law; whereas petitioner No. 4 is the brother-in-law(Devar) of respondent No. 2-complainant. Marriage of the petitioner No. 1 with complainant/respondent No.2 was solemnized on 07.07.2014 and one daughter was born out of the said wedlock on 31.03.2016. Due to temperamental differences, the parties could not cohabit together and started residing separately since September, 2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 28.11.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded and the next date for recording second motion statement of the parties is 20.07.2024. Further, it is submitted that initially, 06 persons were named in the FIR, however, challan has been filed only against the present petitioners and they have never been declared as proclaimed offender.

Notice of motion.

On the asking of Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of respondent No.1-State; whereas Mr. Abhishek Chaudhary, who is present in Court accepts notice on behalf of respondent No. 2.



Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioners and the factum of compromise effected between the parties.

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 28.11.2023 (Annexure P-2) on **20.07.2024** or any other date convenient to the learned trial Court by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. **28.10.2024** containing the following information:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court”.

3. In compliance of the above 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.0049 dated 25.02.2021 (Annexure P-1) registered under Sections 34, 323, 406, 498-A and 506 IPC at Police Station Sector 56, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

28.10.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No