

**Sr. No.268****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35652-2024 (O&M)****Date of decision: 18th December 2024****RAJU SHARMA AND OTHERS****.....Petitioners****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Zaheen Kaur, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Shubham Thakur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.161 dated 23.11.2018, under Sections 406, 498-A, 506 read with Section 34 IPC, 1860, registered at Women Police Station, Gurugram (Annexure P-1) as well as order dated 31.08.2022 (Annexure P-8) and all subsequent proceedings arising therefrom, on the basis of compromise/joint petition filed by the parties under Section 13-B of the Hindu Marriage Act, 1955, before the Family Court, Gurugram (Annexures P-2 and P-3).

2. The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report *qua* the genuineness of the compromise was sought from the trial Court/Illaq Magistrate vide order dated 12.08.2024.



3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 13.11.2024 with the following observations:-

“xxx xxx xxx xxx

(i) In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

(ii) As per the statement of the investigating officer, only one complainant/victim i.e. Anita Sharma is there in the FIR and all the accused i.e. Raju Sharma, Bal Prasad Sharma and Krishna Maya Devi as well as victim/complainant Anuska Das are parties to the compromise.

(iii) As per statement of the IO during investigation no additional accused has been added.

(iv) Accused persons/complainant have never been declared proclaimed offender in any case. Their version has been verified by IO concerned. Separate statement of the IO in this regard recorded.

(v) After the registration of FIR no offence was added or deleted during investigation.

(vi) No investigation is pending against any of the accused and one accused Kavita Sharma was discharged by the learned predecessor Officer of the trial court vide order dated 31.08.2022.

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4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.



6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.161 dated 23.11.2018, under Sections 406, 498-A, 506 read with Section 34 IPC, 1860, registered at Women Police Station, Gurugram (Annexure P-1) as well as order dated 31.08.2022 (Annexure P-8) and all subsequent proceedings arising therefrom are ordered to be quashed, qua the petitioners.

7. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise arrived at between the parties are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

18th December 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No