

CRM-M-36282-2023
Date of decision: 04.04.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Kulwinder Kaur, Advocate for
Mr. Santosh Kumar, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.0015 dated 29.01.2021 registered at Police Station Women West Gurugram, District Gurugram, under Sections 323, 406, 498-A, 509 and 506 read with Section 34 IPC (Annexure P-1), along-with all the subsequent proceedings arising therefrom, on the basis of compromise dated 01.07.2023 (Annexure P-2).

2. The following order was passed on 19.10.2023 :-

“xxx.....

CRM-M No.36282 of 2023

By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.0015 dated 29.01.2021 registered at Police Station Women West Gurugram, District Gurugram, under Sections 323, 406, 498-A, 509 and 506 read with Section 34 IPC, along-with all the subsequent proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.

Learned counsel for the petitioner, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioner-husband and respondent No.2- complainant/wife but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said settlement/compromise would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Mr. Santosh Kumar, Advocate has put in appearance on behalf of respondent No.2 and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of his client and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 04.01.2024 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 04.04.2024 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

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 bearing No.0015 dated 29.01.2021 registered at Police Station Women West Gurugram, District Gurugram, under Sections 323, 406, 498-A, 509 and 506 read with Section 34 IPC (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 04, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |