

2024:PHHC:020177

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

283

**CRM-M-39912-2023**  
**Date of decision: 13.02.2024**

Raj Kumar and others

...Petitioners

V/s

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gorav Kathuria, Advocate, for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. M.S. Virk, Advocate for complainant-respondent No.2.

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0034 dated 11.06.2020 under Sections 498-A, 506, 509, 323, 34, 406 & 3540A of IPC, registered at Police Station West Gurugram, District Gurugram and all consequential proceedings arising therefrom including challan/final report dated 06.09.2020 (Annexure P-2), in view of the settlement/compromise dated 28.02.2022 (Annexure P-3), which is stated to have been effected between the parties.

2. On 16.08.2023, the following order was passed:-

*"1. The petitioners are seeking to quash FIR No. 34 dated 11.06.2020 under Sections 498-A, 506, 509, 323, 34, 406, 354-A*

*IPC registered at Police Station West Gurugram, Gurugram on the basis of compromise.*

*2. Learned counsel for the petitioners contend that on conclusion of the investigation, the challan has been presented against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 22.04.2019 but no child has been born from the wedlock. Petitioner No.3 is the brother-in-law of petitioner No.1 and the allegations are to the effect that he had sexually harassed respondent No.2. The matrimonial dispute has been amicably settled between the parties in terms of Settlement/MOU (Annexure P-3). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 15.11.2022 passed by the learned Family Court, Karkardooma, New Delhi. The petitioner No.1 shall pay a sum of Rs.2,50,000/- to respondent No.2 on /account of permanent alimony. A sum of Rs. 1,50,000/- has already been paid and the balance amount of Rs. 1 Lakh shall be paid when the statements of the parties are recorded with regard to the quashing of the FIR. No other case is pending between the parties.*

*3. Notice of motion.*

*4. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.*

*5. Mr. Mandhir S. Virk, Advocate has put appearance on behalf of respondent No.2 and has acknowledged the fact of compromise.*

*6. Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 06.09.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arraigned as accused in FIR.*
- 2. Whether any accused is 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 case or not.*

*5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*7. To await the report, adjourned to 31.10.2023.”*

3. Report dated 11.10.2023 has been received from the learned Judicial Magistrate, Ist Class, Gurugram; relevant whereof reads as under:-

*“Since the complainant has not appeared to get her statement recorded, the report qua the genuineness and voluntariness of the compromise cannot be prepared.”*

4. In view of the above, the present petition is dismissed. Liberty is reserved in favour of the petitioner to file again, if cause of action so ensues.

**(SUMEET GOEL)**  
**JUDGE**

**February 13, 2024**  
***poonam***

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No