

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRMs-4781 and 4783 of 2024 in/and
CRM-M-43304-2023 (O&M)
Date of Decision: 07.02.2024

RAJESH KUMAR PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kulwinder Singh, Advocate,
for the applicant-petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

Mr. R.K. Kachara, Advocate, for
Mr. Abhishek Chaa, Advocate,
for respondent No. 2-complainant.

HARPREET KAUR JEEWAN J. (ORAL)

CRM-4781-2024

1. By this application, the applicant-petitioner seeks permission to place on record a copy of the judgment and decree dated 09.12.2023 passed by the learned Principal Judge, Family Court, Central District, Tis Hazari, Delhi as Annexure A-1.
2. The application is allowed and the aforesaid copy of the judgment and decree dated 09.12.2023 is ordered to be taken on record as Annexure A-1 subject to all just exceptions with the accompanying petition. Office to tag the same at appropriate place.

CRM-4783-2024

1. By this application, the applicant-petitioner seeks preponement of the date of hearing in the main petition from 21.03.2024 to some early date.

2. Since the matter has been compromised between the parties and a report of the learned trial Court has also been received, pursuant to the order dated 31.08.2023 passed by the co-ordinate Bench of this Court, the application is allowed and the date of hearing in the accompanying petition is advanced from 21.03.2024 to today itself. The case is taken up on Board.

CRM-M-43304-2023

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No. 517 dated 28.07.2020, under Sections 498-A, 406, 323 and 506 of the IPC read with Section 34 thereof, registered at Police Station City, District Rohtak, on the basis of a compromise dated 29.07.2023 (Annexure P-2) executed between the parties.

2. Counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2-complainant who was the wife of the present petitioner. A copy of the compromise dated 29.07.2023 (Annexure P-2) executed between the parties has been annexed herewith. They have decided to live separately. A joint petition filed under Section 13-B of the Hindu Marriage Act, 1955, has also been allowed by the learned Principal Judge, Family Court, Central District, Tis Hazari, Delhi. A copy of

the said decree has already been taken on record today itself as Annexure A-1 with the petition.

3. He further submits that a sum of ₹6,00,000/- has already been paid to respondent No. 2 towards her past, present and future maintenance and other claims and this fact has also been noticed in paragraph 5 of the judgment passed by the learned Family Court (Annexure A-1).

4. Learned State counsel submits that initially the FIR was registered against the present petitioner, Davinder, Savitri and Madhu, however, during the investigation the remaining accused were found innocent and the final report under Section 173 Cr.P.C. was filed only against the present petitioner. He does not raise any objection regarding the acceptance of the present petition.

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 petitioner is quashed by this Court.

6. On 31.08.2023, 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. Aditya Singh Yadav, has sent a report, dated 09.10.2023, with following observations while recording the statement of the petitioner, respondent No. 2-complainant and Smt. Rekha, the investigating officer.:-

- *The compromise is willful and without any pressure or misrepresentation.*

- Identity of the parties was ascertained by their respective Advocates.
- The challan was presented only against the present petitioner.
- The petitioner has never been declared Proclaimed Offender in the present FIR.
- As per record given by the investigating officer no other case is pending against the petitioner.
- The complainant Khushboo (respondent No. 2) was only the aggrieved person in this case.

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 relationship between the petitioner and respondent No. 2 and the fact that the compromise is voluntary and genuine and the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.
10. Consequently, the present petition is allowed and FIR No. 517 dated 28.07.2020, under Sections 498-A, 406, 323 and 506 of the IPC read with Section 34 thereof, registered at Police Station City, District Rohtak and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.
11. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 07, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking Yes
Whether reportable No