

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44402-2023 (O&M)
Date of Decision: 31.01.2024

RAHUL AND ANOTHER

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Abhishek Shukla, Advocate, for
Mr. Sukhandeep Singh, Advocate,
for the petitioners.

Ms. Mayuri Lakhanpal, D.A.G. Haryana.

Mr. Ram Lal Yadav, Advocate, for
Ms. Somya Goyal, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No. 18 dated 01.02.2022, under Sections 323, 354-A, 376, 406, 498-A and 511 of the IPC read with Section 34 thereof, registered at Police Station Women Ballabgarh, District Faridabad, on the basis of a compromise dated 08.05.2023 (Annexure P-8) executed between the parties.

2. On 06.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

3. Pursuant to the aforesaid order, Smt. Asmita Deswal, has sent a report dated 13.10.2023, with following observations:-

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

- *Identity of the parties was ascertained by their respective Advocates.*
- *There is no other accused involved in the matter.*
- *The petitioner has never been declared Proclaimed Offender in the present FIR.*
- *The case is at the stage of arguments on charge.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *FIR was registered against Rahul, Veerpal, Satyawati and Rohit but challan was filed against the accused Rahul and Veerpal, i.e. the present petitioners.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

4. Learned counsel for the petitioners *inter alia* contends that there was a matrimonial dispute between the petitioner No. 1 Rahul and respondent No. 2-Kiran, which has been finally resolved. Even a decree of divorce dated 12.01.2024 has been passed by the Family Court, Faridabad. A copy of the said judgment has been supplied by learned counsel for the petitioner in Court today. The same is taken on record.

5. It is further contended that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of respondent No.2-complainant, who had got the subject FIR registered due to the dispute arisen out of some misunderstanding between them and now, with the intervention of the respectables, the same stands resolved/settled and the said settlement/compromise shall promote harmonious, peaceful and cordial relations between them. It is worth-while to mention here that as per Annexure P-2, the copy of the above-said FIR, 04 persons, i.e the petitioners and their co- accused named Satyawati and Rohit, had been nominated as the accused therein with the allegations of committing the offences under Sections 323, 34, 354-A, 406, 498-A and 376/511 IPC but a perusal of Annexure P-6, i.e the copy of the Final Police Report submitted under

Section 173 Cr.P.C/ Challan reveals that it has been presented against the petitioners with the allegations of the commission of the offences under Sections 498-A, 323, 406 and 506 read with Section 34 IPC.

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

7. As per the status report filed by way of an affidavit of Sh. Rajesh Kumar Lohan, Assistant Commissioner of Police, Tigaon, District Faridabad, has already been filed on behalf of respondent-State. The same is taken on record. It is alleged in the status report that during the investigation, the allegations against the father-in-law and against '*Devar*' regarding the commission of the offence under Sections 354-A, 376, 511 and 509 of the IPC were not proved. As such the '*challan*' was only under Section 498-A, 323, 406 and 506 of the IPC read with Section 34 thereof against the present petitioners on 30.04.2022.

8. Learned State counsel has further confirmed that the FIR was initially registered against namely, Rohit ('*Devar*'), Satyawati (mohter-in-law) and the present petitioners. However, Rohit Rohit ('*Devar*'), and Satyawati (mohter-in-law) were found innocent.

9. 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.

10. 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.”

11. Keeping in view the relationship between the petitioners and respondent No. 2 and the fact that the compromise is voluntary the fact that 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

matrimonial ties between petitioner No. 1 and respondent No. 2/complainant in the FIR has been severed mutually and decree of divorce has been passed, as such the criminal proceedings deserve to be quashed. All the petitioners are relatives and their relationship with respondent No. 2 was only due to matrimonial ties, which have already been severed.

12. Consequently, the present petition is allowed and FIR No. 18 dated 01.02.2022, under Sections 323, 354-A, 376, 406, 498-A and 511 of the IPC read with Section 34 thereof, registered at Police Station Women Ballabgarh, District Faridabad, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

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

January 31, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No