

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

302

CRM-M-45293-2023 (O&M)
Date of decision: 30.01.2024

SUMIT AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Mohit Rathee, Advocate
for the petitioners.

Mr. Mayuri Lakhanpal, DAG Haryana.

Mr. Robin Lohan, 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.98 dated 28.09.2019 registered at Women Police Station, District Rohtak under Sections 313, 34, 406, 498-A, 506 of the IPC (Sections 313 and 506 IPC were deleted during investigation) on the basis of compromise dated 28.08.2023 (Annexure P-3) effected between the parties.

[2] Reply by way of an affidavit of Virender Singh, H.P.S., Deputy Superintendent of Police, C.A.W. Rohtak has been filed on behalf of respondent-State, which is taken on record.

[3] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the

petitioner No.1-Sumit-husband and respondent No.2-Priti-wife, which has now been settled and written compromise deed dated 28.08.2023 (Annexure P-3) has been executed between the parties. He further contends that the parties have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 and decree of divorce has already been granted by Family Court, Rohtak on 29.08.2023 (Annexure P-2). He submits that total amount of Rs.9,00,000/- as mentioned in the compromise agreement for maintenance of past, present, future has already been paid by the petitioner No.1. He submits that respondent No.2 does not want to take any action in the present FIR.

[4] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and receipt of Rs.9,00,000/- by the respondent No.2 as per compromise agreement.

[5] As per order dated 12.09.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[6] As per the report dated 16.10.2023 of Court of Mr. Sandeep Kumar, Judicial Magistrate 1st Class, Rohtak, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Rekha have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

[7] Learned State counsel has not raised any objection regarding the

acceptance of the present petition. While relying upon the status report, she submits that Section 313 IPC was deleted as Chugh Multispeciality hospital has opined that abortion was done in hospital due to non-development of child in the womb (Annexure R-1).

[8] The Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[9] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end the litigation and even decree of divorce has already been granted by the Family Court, Rohtak (Annexure P-2), as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[10] Consequently, this petition is allowed and FIR No.98 dated 28.09.2019 registered at Women Police Station, District Rohtak under Sections 313, 34, 406, 498-A, 506 of the IPC (Sections 313 and 506 IPC were deleted during investigation) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No