

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-46687-2023 (O&M)
Date of decision: 04.01.2024

SAURABH SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Anuj Balian, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Abhinav Kalia, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.162 dated 14.11.2021 registered at Police Station Women West Gurugram, District Gurugram under Sections 323, 354-A, 406, 498-A, 506, 34 of the IPC on the basis of compromise (Annexure P-1) effected between the parties.

[2] Copy of affidavits of the petitioner and respondent No.2 as well as judgment and decree dated 04.08.2023 passed by Family Court, Panchkula has been produced in Court today, which is taken on record.

[3] Learned counsel for the petitioner *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner and respondent No.2, which has now been settled and written compromise deed dated 18.08.2023 (Annexure P-1) has been executed between the parties in Mediation

and Conciliation Centre of this Court. 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, Panchkula on 04.08.2023. He submits that total amount as mentioned in the compromise agreement has already been paid by the petitioner. It has also been agreed that custody of the minor child will remain with respondent No.2-wife.

[4] On the last date of hearing learned State counsel upon instructions from SI Amandeep Kaur has informed that though the FIR was registered against the 6 accused however 5 accused have been declared innocent and challan was presented only against the present petitioner.

[5] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and receipt of total amount as mentioned in the compromise agreement.

[6] As per order dated 09.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[7] As per the report dated 04.11.2023 of Court of Ms. Himani Gill, Judicial Magistrate Ist Class, Gurugram, statements of petitioner and complainant-respondent No.2 have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force or undue influence. There is only one victim/complainant and the compromise is supported by her.

[8] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[9] 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.

[10] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and since they have decided to break the matrimonial ties as decree of divorce has already been granted by the Family Court, Panchkula, 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.

[11] Consequently, this petition is allowed and FIR No.162 dated 14.11.2021 registered at Police Station Women West Gurugram, District Gurugram under Sections 323, 354-A, 406, 498-A, 506, 34 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

(HARPREET KAUR JEEWAN)
JUDGE

04.01.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No