

Sr. No.276

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56238-2022
Date of decision: 22nd February, 2024

AMIT KUMAR MITTAL AND ANOTHERPetitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Yaseen Sethi, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Anmol Jindal, 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.17 dated 13.02.2022, under Sections 323, 34, 406, 498-A, IPC, 1860, registered at Women Police Station Faridabad, District Faridabad (Annexure P-1) on the basis of a compromise dated 09.08.2022, executed between the parties (Annexure P-2).
2. The FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute.
3. Learned counsel for the petitioners contends that the parties have effected compromise dated 09.08.2022 (Annexure P-2). As per the said compromise the petitioner-husband has paid a total sum of Rs.10,00,000/- to the respondent-wife in full and final settlement towards all the claims of the respondent-wife, including her maintenance (past, present and future), permanent

Section 13-B of the Hindu Marriage Act, 1955 and the marriage between the parties has been dissolved by way of decree of divorce dated 14.03.2023, passed by Family Court Faridabad. Copy of the decree of divorce has been submitted by the learned counsel for the petitioners, which is taken on record.

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

4.1 As per the status report filed by way of an affidavit of Ms. Monica, HPS, Assistant Commissioner of Police, Women Safety, Faridabad, on behalf of respondent-State, the trial is at an initial stage. Out of total 09 witnesses, none has been examined.

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 petitioners is quashed by this Court.

6. On 05.12.2022, 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, Ms. Anuradha, Judicial Magistrate First Class, Faridabad, has sent a report, through District and Sessions Judge, Faridabad, with the following observations:-

“1. Ms. Deepa Mittal and accused Amit Kumar Mittal and Smt. Lalita Mittal have got recorded their respective statements.

2. The complainant Ms. Deepa Mittal has appeared before the court and stated that the matter between the parties has been settled amicably and voluntarily without any force, pressure or any sort of undue influence. No grievance remains against the accused persons qua the complaint filed.

3. Accused persons have also recorded their joint statement to the effect that the statement made by the complainant is correct and true and the matter has been settled amicably between them.

4. *In the view of the aforesaid facts and statement of complainant qua compromise, the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.*
5. *As per the charge-sheet, apart from accused Amit Kumar Mittal and Smt. Lalita Mittal, there is no other accused in the presence FIR case.*
6. *As per the report of one L/HC Kavita, none of the accused has ever been declared proclaimed offender in the present case.*
7. *No any other case is pending between the parties.”*

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 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 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.17 dated 13.02.2022, under Sections 323, 34, 406, 498-A, IPC, 1860, registered at Women Police Station Faridabad, District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.
11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>