

CRM-M-51896-2024
Date of decision: 19.11.2024

...PETITIONERS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Present: Mr. Pankaj Garg, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Shadab Ahmad, Advocate and
Ms. Avinet Kaur, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.245 dated 09.07.2024 under Sections 323, 377, 406, 498-A, 506 of IPC, registered at Police Station Cheeka, District Kaithal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.10.2024 (Annexure P-2).

2. The following order was passed on 19.10.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.245 dated 09.07.2024 under Sections 323, 377, 406, 498-A, 506 of IPC, registered at Police Station Cheeka, District Kaithal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.10.2024 (Annexure P-2).

Learned counsel for the petitioners, inter alia, contends that FIR (supra) was registered due to matrimonial discord between petitioner No.3 and respondent No.2. The dispute between the parties is purely private in nature. Now respondent No.2 has effected a compromise with the petitioners and they have settled the dispute amicably.



Notice of motion for 19.11.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Shadab Ahmed, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone. However, perusal of the report indicates that petitioner Nos.4 and 5 have not appeared before the jurisdictional Court to depose in support of the compromise effected between the parties.

4. Learned counsel for respondent No.2 submits that statement of all the accused persons/petitioners is not necessary for the compromise and only the consent of the complainant is relevant in view of the provisions contained in Section 320 Cr.P.C. Learned counsel further submits that respondent No.2 has no objection, in case, FIR (supra) against all the petitioners/accused persons is quashed in view of the compromise and statement made by complainant/respondent No.2 before the jurisdictional Court in compliance of the aforesaid order passed by this Court.

5. In view of the compromise and the ratio of law laid down by the



Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrL) 1052*, this petition is allowed and FIR No.245 dated 09.07.2024 under Sections 323, 377, 406, 498-A, 506 of IPC, registered at Police Station Cheeka, District Kaithal (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

November 19, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |