

CRM-M-63054-2023 (O&M)
Date of decision: 15.04.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shashikant Singh, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ashish Pandey, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 49 dated 08.04.2022 registered under Sections 498-A and 34 of Indian Penal Code at Police Station Women Police Station, Ballabhgarh, Faridabad Haryana and all subsequent proceedings arising therefrom on the basis of compromise dated 07.11.2023 (Annexure P-3).

2. The following order was passed on 15.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.49 dated 08.04.2022 under Sections 498-A, 34 of the Indian Penal Code, 1860 registered at Police Station Women Police Station, Ballabhgarh, Faridabad (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 07.11.2023 (Annexure P-3).

Learned counsel for the petitioners would contend that the FIR is the result of a matrimonial discord between the parties and now all disputes stand settled between them by way of compromise dated 07.11.2023 (Annexure P-3). Learned counsel

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would further contend that a petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent has also been filed, wherein first motion statements stand recorded. Learned counsel for the petitioners has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Ashish Pandey, Advocate accepts notice for respondent No.2/complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-3 with the petition. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed in view of the compromise between the parties.

List on 15.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **29.01.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromise dated 07.11.2023 (Annexure P-3) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether all the accused are party to the compromise.

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- 3) *Whether any other criminal cases are pending against the parties.*
- 4) *Whether any proclamation proceedings are pending against either of the parties.”*

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. Perusal of the report further indicates that petitioner No. 1 and his wife-respondent No. 2 have appeared before the learned Jurisdictional Magistrate and have deposed in support of the compromise. However, petitioner No. 2, who is mother-in-law of respondent No. 2, did not appear before the concerned jurisdictional Magistrate for recording her statement, as she was not keeping well.

4. Learned counsel for respondent No. 2 submits that for the purpose of quashing of FIR on the basis of compromise, the statement of complainant-victim is essential and he has no objection if the FIR(supra) is quashed qua petitioner No. 2, as matrimonial dispute has been amicably settled between the parties.

5. In view of the statement made by learned counsel for respondent No. 2 and well as 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. 49 dated 08.04.2022 registered under Sections

498-A and 34 of Indian Penal Code at Police Station Women Police Station, Ballabhgarh, Faridabad Haryana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 15, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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