

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63252-2023 (O&M)
Date of decision: 29.04.2024

ANKIT GUPTA AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.C. Shahpuri, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Gurdeep Kaur, 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. 1479 dated 12.12.2017 registered under Sections 498-A, 406, 506, 34 and 377 of Indian Penal Code at Police Station City Ballabgarh, District Faridabad and all subsequent proceedings arising therefrom on the basis of compromise dated 25.10.2023 (Annexure P-2).

2. The following order was passed on 15.01.2024:

“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1479 dated 12.12.2017 under Sections 498-A, 406, 506, 34 and Section 377 of the Indian Penal Code, 1860 registered at Police Station City Ballabgarh, District Faridabad and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 25.10.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise

deed dated 25.10.2023 has been appended with the present petition as Annexure P-2. Learned counsel for the petitioners would further contend that the parties have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by way of decree of divorce by mutual consent, in which statements of first motion has been recorded. Learned counsel for the petitioners has relied upon the judgment by the Hon'ble Supreme Court rendered in "Dimpy Gujral Vs. U.T Chandigarh." [2013(1) RCR (Criminal) 745].

Notice of motion.

On the asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana waives service on behalf of respondent No.1-State. Ms. Gurdeep Kaur, Advocate accepts notice for respondent No.2. 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 voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 29.04.2024.

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 settlement/compromise dated 25.10.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) 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.

4. Counsel for the petitioners submits that the amount of Rs. 7.5 lac deposited by petitioner No. 1 before the learned trial Court, at the time of granting him anticipatory bail, is required to be disbursed to petitioner No. 1 in terms of the compromise. Learned counsel for respondent No. 2 submits that she has no objection if the aforementioned amount is given to petitioner No. 1.

5. In view of the joint stand taken by learned counsel for the private parties and also in view of terms and conditions of the compromise, learned trial Court is directed to return the amount of Rs. 7.5 lac to petitioner No. 1, which was deposited by him at the time of granting him anticipatory bail.

6. 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. 1479 dated 12.12.2017 registered under Sections 498-A, 406, 506, 34 and 377 of Indian Penal Code at Police Station City Ballabgarh, District Faridabad and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 29, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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