
(2022) 11 RAJ CK 0035

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous (Petition) No. 5153 Of 2022

Sukhwinder Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 09-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 406, 498A

Citation : (2022) 11 RAJ CK 0035

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Navneet Poonia, Trilok Joshi, S.K. Bhati, Rishi Raj Rathore, Sameer Pareek

Final Decision : Disposed Of

Judgement

Dinesh Mehta, J

1. By way of this criminal misc. petition under Section 482 of the Code of Criminal Procedure, the accused-petitioners have approached this Court with a prayer to quash the FIR No.0138/2022 registered at Police Station Padampur, District Sri Ganganagar for the offences punishable under Sections 498-A, 406 and 323 of IPC.

2. Learned counsel for the petitioners submits that during pendency of the investigation, the petitioners have entered into a compromise with the complainant and the written compromise has been placed before the Investigating Officer, pursuant to direction given by this Court on 16.08.2022, who has verified the same.

3. On the basis of factual report dated 09.11.2022, learned Public Prosecutor accepts the factum of compromise having been entered into between the parties without fear and duress.

4. Learned counsel for the complainant submits that the complainant has no

objection if the FIR in question is quashed.

5. In view of the aforesaid and considering the submissions made on behalf of the respective parties; the material made available for my perusal; considering that the petitioners and the complainant have resolved their dispute and the petitioner No.1 and the complainant (husband and wife respectively) have buried the hatchet; this Court is of the view that in order to establish peace and harmony between the petitioners and complainant and in order to let them live peacefully in the future life, it would be expedient that the impugned FIR is quashed.

6. The present case is wholly covered by the principle of law laid down by the Hon'ble the Supreme Court in the case of Gian Singh Vs. State of Punjab & (SC) 4934 and in the case of Choudhary Bhajan Lal & Ors. Anr-reported in 2012 Cr.L.J. State of Haryana & Ors. Vs. [AIR 1992 SC 604], the FIR is liable to be quashed in view of compromise arrived at between the parties although the offences are not compoundable.

7. In view of the above, this criminal misc. petition is allowed and the FIR No.0138/2022 registered at Police Station Padampur, District Sri Ganganagar is quashed and set aside. Consequence to follow.

8. The stay application also stands disposed of.