

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40716-2019 (O&M)

Date of Decision:- 20.11.2019

Deepak Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishwajeet, Advocate, for
Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana,
assisted by ASI Madhu.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.123, dated 13.5.2017, registered at Police Station Farrukh Nagar, District Gurugram, under Sections 323, 506, 498-A, 506 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Mr. Surender Kumar, Advocate has appeared on behalf of respondent No.2 and filed power of attorney. The same is taken on record.

3. Learned State counsel has today filed reply by way of affidavit of Veer Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram. The same is taken on record. Copy of the affidavit has been supplied to learned counsel for the petitioner.
4. Vide order dated 23.9.2019, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.
5. Report of learned Judicial Magistrate 1st Class, Pataudi, has been received to the effect that both the parties have appeared and made statements that they have compromised the matter. It has further been opined that the compromise has been reached at amongst the parties voluntarily, out of their free will. Copies of the statements are annexed with the said report. The complainant categorically stated that she has entered into a compromise with the petitioner before the Court at Delhi in Counselling Cell and that as per the compromise she was to receive the balance amount of ₹3 lakhs. The complainant is present in person and has been identified by ASI Madhu.
6. Learned counsel for the petitioner has today handed over a draft of ₹3 lakhs to the complainant, present in the Court, who has accepted the same.
7. Upon a query made by this Court from the complainant, it has been informed that in accordance with the terms of the compromise the marriage between the parties stands dissolved and that she has no objection for quashing of the FIR.

8. In view of the aforestated position where the parties have amicably resolved their issues and have in fact also parted ways by getting a decree of divorce on the basis of mutual consent and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.123, dated 13.5.2017, registered at Police Station Farrukh Nagar, District Gurugram, under Sections 323, 506, 498-A, 506 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua petitioner.

November 20, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No