

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

267

CRM-M-17833-2023 (O&M)

Date of decision: 19.12.2023

DILAWAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Anita Devi, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.313 dated 09.11.2016 registered at Police Station Kunjpura, District Karnal under Sections 323, 34, 498-A of the IPC on the basis of compromise which has been recorded in the joint statement recorded in proceedings under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2) filed by the parties.

[2] It is contended on behalf of the petitioner that the petitioner-Dilawar and respondent No.2-Seema Rani were married to each other. Due to a matrimonial dispute, the present FIR was registered. The parties have resolved their disputes and filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955. It was stated in the joint statement of the parties recorded therein that respondent No.2 does not want to take any action in the present FIR. He has placed on record certified copy of the order dated 06.05.2023

wherein decree of divorce has been granted in a joint petition filed on behalf of petitioner and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955. The same is taken on record.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 13.04.2023, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 04.07.2023 of Court of Mr. Abhishek Verma, Judicial Magistrate Ist Class, Karnal, statements of petitioner and complainant-respondent No.2 have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No other person is involved in the present FIR. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and since they have decided to live in peace, as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal

proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.313 dated 09.11.2016 registered at Police Station Kunjpura, District Karnal under Sections 323, 34, 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.12.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No