

**247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-35633-2023
Date of decision: 15.12.2023**

KAMAL KISHORE AND ANR

.....Petitioners

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Abhinav Sood, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Sukhdev Singh, 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.52 dated 06.03.2022, under Sections 406, 498-A, 506, 323 and 34 IPC, registered at Police Station Women NIT, Faridabad, Tehsil and District Faridabad (Annexure P-1), on the basis of terms and conditions of settlement/ compromise prescribed in mutual divorce petition dated 31.05.2023 (Annexure P-2), filed by petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955.

[2] Learned counsel for the petitioners submits that the FIR was registered on account of a matrimonial dispute between petitioner No.1-Kamal Kishore and respondent No.2-Anju Rani. The parties have effected a compromise. They have filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 before Principal Judge, Family Court, Faridabad which has been allowed on 06.12.2023.

[3] Learned State counsel has informed that there were total 7 accused out of which 5 persons have been declared as innocent. Challan was presented only against the present petitioners.

[4] On 25.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 16.09.2023 of the Judicial Magistrate, Ist Class, Faridabad through the District & Sessions Judge, Faridabad has been received. As per said report, the compromise between the parties is genuine. The factum of filing of the joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 has also been confirmed as per the said report. The relevant portion of the said report reads as under:

“2. Complainant namely Anju Rani before the Hon’ble Punjab and Haryana High Court, Chandigarh in CRM-M-35633-2023 suffered a statement that she has entered into compromise with accused persons namely Kamal Kishore and Parag Devi. Further stated that the compromise is genuine and voluntary and has been entered between her and accused namely Kamal Kishore and Parag Devi out of her free will, without any coercion and undue influence. Further stated that in view of the mutual compromise, FIR in the present case may kindly be quashed.

3. The accused namely Kamal Kishore and Parag Devi and complainant before Hon’ble Punjab and Haryana High Court, Chandigarh has suffered a statement that they have entered into a compromise with complainant Anju Rani as per the mutual compromise and all the disputes have been settled through petition under Section 13-B of Hindu Marriage Act which is pending in the Court of learned APJ, Family Court, Faridabad.”

[6] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the

opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[7] Since compromise has been effected between the parties and joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 was filed which has been allowed on 06.12.2023, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[8] Consequently, this petition is allowed and FIR No.52 dated 06.03.2022, under Sections 406, 498-A, 506, 323 and 34 IPC, registered at Police Station Women NIT, Faridabad, Tehsil and District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No