

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.265

CRM-M-36581-2023 (O&M)

Date of decision : 24.11.2023

Nitin

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sanyam Khetarpal, Advocate, for the petitioner.

Mr. K.S. Thakur, AAG, Haryana

Mr. S.K. Saini, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.241 dated 28.12.2020, under Sections 498-A, 406, 506 IPC, registered at Police Station Women, Police Station NIT, District Faridabad, on the basis of compromise deed dated 04.07.2023 (Annexure P-3) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Nitin-petitioner and Reeshma-respondent No.2 was solemnized on 08.11.2019. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioner at the instance of Reeshma-respondent No.2. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 04.07.2023 (Annexure P-3) has been executed between the parties which have been duly signed by all the parties. The petitioner and respondent No.2 have filed a joint petition by way of mutual consent for divorce under Section 13-B of the Hindu

Marriage Act, 1955, and a decree has been passed on 10.07.2022, whereby the marriage between the parties has been dissolved with mutual consent. Respondent No.2-Reeshma does not want to take any legal action against the petitioner in the said FIR. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 28.07.2023, when notice of motion was issued, Mr. Salinder Kumar Saini, Advocate caused representation on behalf of respondent No.2 and filed his power of attorney and admitted the factum of compromise. The parties were directed to appear before the Trial Court for recording of their statements

4. A report dated 08.11.2023 of the Judicial Magistrate, Ist Class, Fardabad through the District & Sessions Judge, Faridabad, has been received. As per said report, the statement of the complainant-Reeshma, statement of the petitioner and statement of HC-Kavita have been recorded. Copies of their statements have been duly annexed with the report. As per the said report, the compromise is genuine, voluntarily and without any coercion between the parties. No other criminal case is pending against the petitioners and there is no other victim in the present FIR except the complainant-Reeshma whose statement was recorded by the Magistrate.

5. 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.

6. Since, it was a matrimonial dispute which has been settled between the parties by way of resolving their differences and even as per the

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terms and conditions of the compromise, they have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage, which has been allowed vide judgment and decree dated 10.07.2023 (Annexure P-2), so in the interest of justice, it is a fit case for quashing of the FIR.

7. Consequently, the present petition is allowed and FIR No.241 dated 28.12.2020, under Sections 498-A, 406, 506 IPC, registered at Police Station Women, Police Station NIT, District Faridabad, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24.11.2023
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No