

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

**CRM-M-43322-2023
Date of decision: 13.12.2023**

SUNIL SINDHWANI AND ORS

.....Petitioners

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Sanyam Khetarpal, 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.13 dated 06.02.2021, under Sections 323, 406, 498-A and 506 IPC, registered at Police Station Women Karnal, District Karnal (Annexure P-1), on the basis of compromise dated 19.07.2023 (Annexure P-2) between the parties.

2. Learned counsel for the petitioner *inter alia* contends that the parties have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 at Gurugram and they have agreed to dissolve their marriage with mutual consent. The petitioner has agreed to pay a sum of Rs.4,50,000/- to the complainant/respondent No.2 out of which, a sum of Rs.2,25,000/- has already been paid on 11.05.2023 at the time of recording first motion in the said petition and said that he would pay the remaining amount at the time of second motion. The complainant does not want to take any action in the present FIR.

3. Vide order dated 31.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

4. The report dated 04.11.2023 of learned Judicial Magistrate First Class, Karnal through the District & Sessions Judge, Karnal, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

Court and made their respective statement qua the compromise and none of them were declared proclaimed person in the present case. Complainant Anshu Kochhar is the only complainant in the present case and her statement was recorded in support of the compromise. The stage of trial/proceedings is for prosecution evidence. Complainant namely Anshu Kochhar and accused persons namely Sunil Sindhwani, Usha Sindhwani and Amit Kumar Sindhwani have appeared before the Court and their statements were recorded, wherein they stated on oath that they had compromised the matter with free will and consent and they have no objection in quashing/cancellation of the FIR. No other criminal case is pending against the above-named accused persons.”

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 the matter has been settled and the parties have decided to break the matrimonial ties by filing a joint petition for divorce and the complainant does not want to take any action against the present petitioner, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.
7. Consequently, this petition is allowed and FIR No.13 dated 06.02.2021, under Sections 323, 406, 498-A and 506 IPC, registered at Police Station Women Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No