

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

Sr. No.253

**CRM-M-50071-2022 (O&M)
Date of decision : 14.12.2023**

Kirti Raj Chauhan and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Abhishek Chha, Advocate, for the petitioners.

Mr. K.S. Thakur, AAG, Haryana

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.117 dated 25.12.2015, under Sections 323, 34, 406, 498-A & 506 IPC, registered at Police Station Women Police Station (Annexure P-1), on the basis of compromise deed dated 26.09.2022 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners has submitted that there was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioners at the instance of respondent No.2. Both the parties are not living together. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 26.09.2022 (Annexure P-2) has been executed between the parties. The petitioner No.1 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, in pursuance to the said

compromise. The statements of the parties have been recorded for the first motion on the basis of compromise (Annexure P-2). Respondent No.2 does not want to take any legal action against the petitioners in the said FIR. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 15.11.2022, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. Status report dated 05.04.2023 has been filed by the State counsel and the same is taken on record. He informs that there were six accused named in the present FIR out of which three were declared innocent. Challan was presented against the both the petitioners and against their father Sh. Lala Ram. However, said Lala Ram has died on 09.05.2021.

5. The report dated 19.12.2022 of the Judicial Magistrate, Ist Class, Sonipat through the District & Sessions Judge, Sonipat, has been received. As per said report, the statement of the complainant and joint statement of the petitioners have been recorded and the compromise is without any pressure and is genuine.

6. The Hon'ble 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, it was a matrimonial dispute which has been settled between the parties and they want to peacefully part ways. As per the terms

Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage. Continuing with the proceedings in the present FIR would not be in the interest of the parties. As such, it is a fit case for quashing of the FIR in the interest of justice.

8. Consequently, the present petition is allowed and FIR No.117 dated 25.12.2015, under Sections 323, 34, 406, 498-A & 506 IPC, registered at Police Station Women Police Station (Annexure P-1), and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

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

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023
Ramandeep Singh

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