

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

**CRM-M-50238-2023
Date of decision: 13.12.2023**

DEVINDRA

.....Petitioner

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.K. Majoka, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Karan Singh, Advocate
for respondent No.2-complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.382 dated 26.07.2019, under Sections 323, 406 and 498-A IPC, registered at Police Station City Palwal, District Palwal (Annexure P-1), on the basis of compromise dated 10.09.2023 (Annexure P-2) between the parties.
2. Learned counsel for the petitioner *inter alia* contends that compromise has been effected between the parties. On 24.05.2023, complainant has withdrawn the petition filed by her under Domestic Violence Act. Joint petition for divorce has also been filed by the parties under Section 13-B of the Hindu Marriage Act, 1955. The parties have settled all their disputes and the complainant has no objection if the FIR in question is quashed.
3. Learned State counsel, on instructions from SI Rajesh Kumar, informed that out of 5 accused, challan under Sections 323, 406 and 498-A IPC was presented only against the petitioner.

4. Vide order dated 05.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 17.10.2023 of Chief Judicial Magistrate through the District & Sessions Judge, Palwal, has been received. As per the said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“3. Complainant namely Jyoti has submitted that she has compromised the matter with accused person and the said compromise has been effected voluntarily, without any coercion or undue influence which is genuine and now, she does not want any action against the accused and has no objection if the FIR No. 382 dated 26.07.2019, under Sections 323, 498-A, 406 of IPC, Police Station City Palwal, District Palwal, is quashed.

4. The above named accused vide his separate statement submitted before the undersigned that he has compromised the matter in dispute without any pressure, threat or coercion from any side and the said compromise has been entered into between the parties with their own free will and consent and all the disputes have been settled between them. It is also submitted that the other case of Domestic Violence Act pending between the parties has also been withdrawn and petition under Section 13-B of Hindu Marriage Act, is still pending. The parties have arrived at compromise voluntarily, without any coercion or undue influence which is genuine. It is prayed that 382 dated 26.07.2019, under Sections 323, 498-A, 406 of IPC, Police Station City Palwal, District Palwal may kindly be quashed.”

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 the matter has been settled between the parties and the complainant has withdrawn her petition filed under the Domestic Violence Act and

a joint petition for divorce by mutual consent has been filed by the parties under Section 13-B of the Hindu Marriage Act, 1955, as such, the parties want to separate by giving a quietus to the dispute.

8. Consequently, this petition is allowed and FIR No.382 dated 26.07.2019, under Sections 323, 406 and 498-A IPC, registered at Police Station City Palwal, District Palwal (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

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