

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

290

CRM-M-1697-2023 (O&M)
Date of decision: 12.03.2024

PRADEEP AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vaibhav Parashar, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. S. Sharma, Advocate for
Mr. M.K. Bali, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.417 dated 07.09.2015, under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Sector-55, District Faridabad (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that matter has been settled between the parties and compromise (Annexure P-2) has been executed between them. He submits that sister of the complainant-respondent No.2 was married to

petitioner No.2-Praveen and the marriage has been dissolved by way of a decree of divorce dated 30.05.2019 by the Family Court, Faridabad. He further submits that as per the compromise (Annexure P-2), both the parties i.e. petitioner-Pradeep-husband and respondent No.2-Kavita-wife are living together, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 12.01.2023, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 16.03.2023, received from the Judicial Magistrate, Ist Class, Faridabad through the District & Sessions Judge, Faridabad, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offenders” and they are not involved in any other criminal case.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Keeping in view the facts and circumstances of the case and the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No.417 dated 07.09.2015, under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Sector-55, District Faridabad and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

12.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No