

314

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4011-2024 (O&M)

Date of Decision: 06.05.2024

NITISH GULATI

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sukhwinder Singh and Mr. Sohrab Dhanda,
Advocates for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Vivek Goyal, 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.0034 dated 18.09.2021, registered at Police Station Sector 7, District Panchkula, under Sections 323, 406 and 498-A of the IPC and all the consequential proceedings arising therefrom on the basis of compromise deed dated 09.01.2024 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2 due to matrimonial dispute, which stands resolved now. They have decided to live separately. A joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court, Panchkula.

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

[4] On 29.01.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 18.03.2024, received from the learned Judicial Magistrate First Class, Panchkula the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender".

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

[7] The matrimonial dispute between the parties stands settled. Keeping in view 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. 0034 dated 18.09.2021, registered at Police Station Sector 7, District Panchkula, under Sections 323, 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, 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 dated 09.01.2024 are violated.

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

06.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No