

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

312+121

CRM-M-4345-2024 (O&M)
Date of decision: 09.05.2024

SAHIL AHUJA AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. M.K. Sood, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

None for respondent No.2.

HARPREET KAUR JEEWAN , J.

CRM-15291-2024

- [1] The present application has been filed for placing on record petition under Section 13-B of the Hindu Marriage Act, 1955 and copy of statement recorded by the Family Court as Annexures A-1 and A-2.
- [2] For the reasons mentioned in the application, the same is allowed.
- [3] Annexures A-1 and A-2 are taken on record subject to all just exceptions.
- [4] Office to tag the same at appropriate place.

Main case

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0051 dated 14.04.2021, under Sections 498-A, 406, 354-A, 506, 509, 323, 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1), on the basis of compromise deed dated 08.01.2024 (Annexure P-2) executed 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 the matter has been settled between the petitioners and respondent No.2 and compromise deed dated 08.01.2024 (Annexure P-2) has been executed between them. He submits that as per the compromise, both the petitioner No.1-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Gurugram. He further submits that as per the compromise, petitioner No.1-husband has agreed to pay a sum of Rs.10,00,000/- to respondent No.2-wife towards permanent alimony and maintenance (past, present and future), as such, respondent No.2 does not want to take any action in the present FIR.

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

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

[5] As per the report dated 19.03.2024 received from the Judicial Magistrate 1st Class, Gurugram forwarded through the office of District and

Sessions Judge, Gurugram compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners have not been declared as ‘Proclaimed Offenders’.

[6] 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.

[7] Consequently, this petition is allowed and FIR No.0051 dated 14.04.2021, under Sections 498-A, 406, 354-A, 506, 509, 323, 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[8] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.05.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No