



Sr. No.293

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5576-2024
Date of decision: 11th July 2024

BHARATPetitioner

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Shivam Sachdeva, Advocate for
Ms. Deepali Verma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.11 dated 11.01.2024, under Sections 376, 506 IPC, 1860, registered at Police Station City Jhajjar, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 29.01.2024 (Annexure P-3), executed between the parties.
2. As per the order dated 23.04.2024, the parties were directed to appear before the trial Court for recording of their statements and the learned Magistrate was directed to send its report qua the genuineness of the compromise. Relevant portion of the said order reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that the petitioner and respondent No.2 have solemnized marriage on 15.01.2024, and since then, they are living together. No dispute is left inter se the parties, as such,



respondent No.2 does not want to take any action in the present FIR, which was got registered at her instance due to temperamental differences.

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana, accepts notice on behalf of respondent No. 1-State.

Learned State counsel has filed status report dated 18.04.2024, by way of affidavit of Sh. Shamsher Singh, HPS, Assistant Commissioner of Police, City Jhajjar, District Jhajjar, on behalf of respondent-State of Haryana, which is taken on record. As per the status report, the Investigating Agency has verified the Marriage Certificate dated 15.01.2024, issued by Arya Samaj Mandir, Sector-6, Bahadurgarh.

Learned counsel for respondent No.2 confirms about factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 11.07.2024.

Both the parties shall assist the Court, as to whether, the petition for quashing of the FIR is maintainable.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 15.05.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

xxx xxx xxx xxx”

3. Pursuant to the aforesaid order, the parties have appeared before the Chief Judicial Magistrate, Jhajjar and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 17.05.2024 to the effect that the compromise has been effected between the parties voluntarily and without any pressure. As per the statement of the Investigating Officer, there is only one accused namely Bharat in the present case and no additional accused has been added in the present case. The accused/petitioner has not been declared as a “Proclaimed Offender”. After registration of the FIR, no section has been added or deleted. No accused has been declared as innocent.



4. Learned State counsel as well as counsel for respondent No.2 have not raised any objection regarding the acceptance of the present petition.
5. Marriage Certificate dated 10.04.2024 (Ex.C2) has been submitted in the Registry, which is taken on record.
6. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.
7. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.11 dated 11.01.2024, under Sections 376, 506 IPC, 1860, registered at Police Station City Jhajjar, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.
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 deed dated 29.01.2024 (Annexure P-3) are violated.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11th July 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No