



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

301+ 126

CRM-M-6695-2023 (O&M)
Date of decision: 21.05.2024

NIRMAL MALIK @ NIRMAL KUMAR AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Govind Chauhan, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Arun Sharma, Advocate for
Mr. Vishal Pundir, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.653 dated 23.11.2021, under Sections 323, 498-A, 506 IPC registered at Police Station Sector-32,33 Karnal, District Karnal (Annexure P-1), on the basis of compromise deed dated 01.12.2022 (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



01.12.2022 (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 already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, which has been allowed by the Family Court, Karnal. He further submits that as per the compromise, petitioner No.1-husband has already paid a sum of Rs.20 lakhs towards maintenance to respondent No.2-wife, 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. He also confirms the receipt of Rs.20 lakhs by the respondent No.2-first informant.

[4] Learned State counsel has not raised any objection regarding the acceptance of the present petition. She has informed that as per the status report, evidence was collected with regard to the allegations of miscarriage/abortion of the first informant from the hospital and after receiving the opinion of the doctor regarding miscarriage/abortion of the complainant, offence under Section 315 IPC was deleted. Petitioners No.1 and 4-accused-Nirmal and Sheela Devi were arrested and after joining the investigation they were released on bail. She has further informed that petitioners No.2, 3, 5 to 7 were declared innocent as per the verification done by the then DSP, Karnal-I and such facts have been mentioned in para No.2 of the status report.

[5] On 08.02.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 29.04.2023 received from the Chief Judicial Magistrate, Karnal forwarded through the office of District and Sessions Judge,



Karnal, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners are not involved in any other case except the present case and have not been declared as ‘Proclaimed Offenders’.

[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.653 dated 23.11.2021, under Sections 323, 498-A, 506 IPC registered at Police Station Sector-32,33 Karnal, District Karnal (Annexure P-1) 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

21.05.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No