

Sr. No.307

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-5630-2024
Date of decision: 04th April, 2024**

YOGESH AND ANR**Petitioners**

versus

STATE OF HARYANA AND ANR**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lekh Raj Nandal, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Sunita Nandal, Advocate
for respondent No.2/complainant.

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.85 dated 25.08.2019, under Sections 323, 34, 406, 498-A, 506 IPC, registered at Women Police Station, District Rohtak (Annexure P-1), on the basis of compromise deed dated 08.01.2024 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 08.01.2021 (Annexure P-2). The parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 has already been filed by them, which has been allowed by the Family Court, Rohtak. As per the compromise, the petitioner-husband shall pay a sum of Rs.10,51,000/- to

respondent No.2-wife as full and final settlement towards past, present and future maintenance qua permanent alimony. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties. He further confirms that the decree of divorce has been passed by the Family Court, Rohtak in the petition filed by the parties under Section 13-B of the Hindu Marriage Act, 1955.

[4] On 02.02.2024, 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 12.03.2024, received from the Judicial Magistrate, Ist Class, Rohtak, through the District & Sessions Judge, Rohtak, the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender” 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, the present petition is allowed and FIR No.85 dated

Police Station, District Rohtak (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 08.01.2024 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

04th April, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>