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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9664-2024(O&M)
Date of Decision: 29.04.2024

PRASHANT KUMAR SAXENA AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suresh Kaushik, Advocate, for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. M.K.Kush, Advocate, for respondent No. 2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 24 dated 29.03.2019 registered at Women Police Station, District Faridabad under Sections 323, 406, 498-A and 34 IPC (Sections 354-D and 201 IPC added later on), along with all the subsequent proceedings arising therefrom, on the basis of a compromise/settlement deed dated 28.05.2022 and affidavit dated 12.02.2024 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was got registered by respondent No.2 on account of the matrimonial dispute between petitioner No.1 and respondent No. 2 which stands resolved now. A divorce petition jointly filed by petitioner No.1 (husband) and respondent No.2 (wife) has been allowed by the Family Court, Karkardooma, Delhi vide judgment and decree dated 08.06.2022 (Annexure

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and submits that respondent No.2 does not want to take any action in the present FIR.

[4] On 23.02.2024, 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 19.03.2024, received from the learned Judicial Magistrate First Class, Faridabad, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender". During investigation, Sections 354-D, 201 IPC were added.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition and has filed the status report by way of affidavit of Ms. Monica, Assistant Commissioner of Police, Women Safety, Faridabad and submitted as under:-

"xxx That there are 04 persons named in the FIR namely Prashant Kumar (husband) and Paritosh (Devar) both the accused were arrested on 22.04.2019. During investigation and verification by Assistant Commissioner of Police, Faridabad, the persons named in FIR, Pradeep Kumar (father-in-law died later on) and Sadhna (mother-in-law) was found innocent and therefore, the challan against the petitioners/accused Prashant Kumar & Paritosh was prepared on 11.05.2019 and submitted for trial on 29.05.2019. The present case is fixed on 01.05.2024 for consideration on charge. There are total 13 witnesses in the present case but none has been examined so far."

[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. 24 dated 29.03.2019 registered at Women Police Station, District Faridabad under Sections 323, 406, 498-A and 34 IPC (Sections 354-D and 201 IPC added later on) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[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 28.05.2022 are violated.

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

29.04.2024

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**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*