

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

342

CRM-M-10483-2024 (O&M)
Date of decision: 15.04.2024

MANOJ

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Virender Soni, Advocate,
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Santosh Bhardwaj, 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.246 dated 30.05.2023, under Sections 34, 354, 377, 406, 498-A IPC (Sections 34, 354, 377 IPC has been deleted) registered at Police Station Kalanaur, District Rohtak (Annexure P-1), on the basis of compromise between the parties. The terms and conditions of the compromise settled between the parties are reduced into writing in the joint petition filed under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2), statement of the parties (Annexures P-3 and P-4) and decree of divorce has already been passed (Annexure P-5).

[2] Learned counsel for the petitioner *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 petitioner and respondent No.2. As per the compromise, both the petitioner-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, Rohtak vide judgment and decree dated 12.02.2024. He submits that as per the compromise, petitioner-husband has agreed to pay a sum of Rs.2,00,000/- to respondent No.2-wife towards permanent alimony and past, present and future expenses, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel for respondent No.2 has confirmed the factum of compromise between the parties.

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

[5] On 28.02.2024, 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 04.04.2024 received from the Judicial Magistrate 1st Class, Rohtak forwarded through the office of District and Sessions Judge, Rohtak, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the petitioner and he has not been declared as 'Proclaimed Offender'.

[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.246 dated 30.05.2023, under Sections 34, 354, 377, 406, 498-A IPC (Sections 34, 354, 377 IPC has been deleted) registered at Police Station Kalanaur, District Rohtak (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

15.04.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No