



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

296

CRM-M-14923-2024 (O&M)
Date of decision: 24.09.2024

AMIT KASHYAP AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Punit Malik, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Manish Dhankar, 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.971 dated 17.11.2023, under Sections 323, 354, 406, 498-A and 506 IPC registered at Police Station Karnal City, District Karnal (Annexure P-1), on the basis of compromise deed dated 23.02.2024 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners submits that costs of Rs.50,000/- has been deposited by the petitioners in Haryana State Legal Services Authority vide receipt No.0002316 dated 24.09.2024 in terms of the order dated 25.07.2024 passed by this Court. Copy of the said receipt is submitted in the Court today, which is taken on record. Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial



dispute between the petitioners and respondent No.2. He further contends that the matter has been settled between the parties and compromise deed dated 23.02.2024 (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 would file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, as such, respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about 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 22.03.2024, 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 13.06.2024 received from 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. The petitioners have not been declared as 'Proclaimed Offenders'. As per the report of Investigation Officer ASI Manjeet, in the present FIR, two persons namely Savitri Devi and Amit Kashyap-petitioners have been arrayed as accused. Challan against accused has been submitted in the Court. Investigation qua accused Amit is pending, however, accused Ramesh, Parveen, Santosh, Simran and Ankita have been found innocent during the investigation.

[7] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution



of the petitioners in the present FIR.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.971 dated 17.11.2023, under Sections 323, 354, 406, 498-A and 506 IPC registered at Police Station Karnal City, District Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

24.09.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No