

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

282

CRM-M-18229-2023 (O&M)
Date of decision: 16.05.2024

MOHAN LAL VERMA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Krishan Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. D.S. Saini, 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.164 dated 18.09.2021, under Sections 323, 406, 498-A, 506 IPC registered at Police Station Raipur Rani, District Panchkula (Annexure P-1), on the basis of compromise deed dated 15.02.2023 (Annexure P-2) executed between the parties.

[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 and compromise deed dated 15.02.2023 (Annexure P-2) has been executed between them. He submits that 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 before the Family Court, Panchkula. He further submits that as per the compromise, petitioner-husband has agreed to pay a sum of Rs.5,00,000/- to respondent No.2-wife as permanent alimony/past, present and future maintenance. As per compromise, custody of the minor child shall remain with the 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.

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

[5] On 21.12.2023 and 05.03.2024, 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 30.04.2024 received from the Judicial Magistrate 1st Class, Panchkula forwarded through the office of District and Sessions Judge, Panchkula, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioner 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.164 dated 18.09.2021, under Sections 323, 406, 498-A, 506 IPC registered at Police Station Raipur Rani, District Panchkula (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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

16.05.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No