



CRM-M-24201-2024 (O&M) - 1 -

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24201-2024 (O&M)
Date of Decision: 28.10.2024

SANJAY KUMAR KHAR

... PETITIONER

V/S

STATE OF UT CHANDIGARH AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vivek Sidhu, Advocate for the petitioner.

Mr. Sarvjit Singh Khurana, Addl. P.P. U.T. Chandigarh.

Mr. D.S. Sidhu, 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. 71, dated 19.06.2017, registered at Women Police Station, Chandigarh, under Sections 406 and 498-A of the IPC, on the basis of a compromise deed dated 20.03.2024 (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-complainant who is the wife of the present petitioner. A compromise deed dated 20.03.2024 (Annexure P-2) has been executed between the parties. They have decided to live separately. They have also decided to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955, before the learned Family Court, in terms of the aforesaid compromise.

[3] Learned counsel appearing on behalf of respondent No. 2 has

**CRM-M-24201-2024 (O&M) - 2 -**

confirmed the factum of compromise between the parties.

[4] On 22.05.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 13.06.2024, received from the learned Judicial Magistrate First Class, Chandigarh the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

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

[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. 71, dated 19.06.2017, registered at Women Police Station, Chandigarh, under Sections 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2 and the State shall be at liberty to



CRM-M-24201-2024 (O&M) - 3 -

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.

28.10.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No