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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24312-2023 (O&M)

Date of Decision: 19.03.2024

UDAY KUMAR @ MUNNA BARANWAL

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Atul Yadav, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

Mr. Jai Singh Yadav, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 54 dated 23.07.2020, under Sections 323, 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*') read with Section 34 thereof, registered at Women Police Station West, District Gurugram, (Annexure P-1), on the basis of compromise/settlement deed dated 13.04.2023 (Annexure P-2) arrived at between the parties.

[2] Counsel for the petitioner contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A compromise/settlement deed dated 13.04.2023 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage

Act, 1955, has also been filed before the learned Family Court, Gurugram. As per the terms of the compromise, a total sum of ₹7,00,000/- in respect of past, present and future maintenance will be paid by the petitioner to respondent No. 2-complainant. Out of the said amount ₹3,50,000/- has already been paid by the petitioner to respondent No. 2-complainant at the time of recording of the statements of first motion. As per the statement of respondent No. 2-complainant, the remaining amount of ₹3,50,000/- has also been received by her by way of a demand draft bearing No. 501760, dated 10.04.2023. There is not any outstanding dues between the parties.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2-complainant has no objection if the present FIR against the present petitioner is quashed by this Court.

[4] On 12.05.2023, 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 06.06.2023, received from the Judicial Magistrate, Ist Class, Gurugram, through the District & Sessions Judge, Gurugram, 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] Keeping in view the facts and circumstances of the case and 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. 54 dated 23.07.2020, under Sections 323, 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*') read with Section 34 thereof, registered at Women Police Station West, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Radha Baranwal, and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 13.04.2023 (Annexure P-2) are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes/No

Yes/No