

CRM-M-24752-2024
Date of decision: 05.08.2024

...PETITIONERS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Present: Mr. Raman Deep, Advocate with
Mr. Vibhutt Narania, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.401, dated 14.04.2022, registered under Sections 323, 406, 498-A and 506 of the IPC at Police Station Shahabad, District Kurukshetra (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.02.2024 (Annexure P-2).
2. The following order was passed on 17.05.2024 :-

“1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 401, dated 14.04.2022, registered at Police Station Shahabad, District Kurukshetra, under Sections 323, 406, 498-A and 506 of the IPC, on the basis of a compromise deed, dated 09.02.2024 (Annexure P-2) executed between the parties.

2. *Counsel for the petitioners inter alia contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of petitioner No. 1. A compromise deed dated 09.02.2024 (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, Kurukshetra, in which first motion statements have already been recorded.

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Jasleen Chahal, A.A.G. Haryana. accepts notice on behalf of respondent No. 1-State and seeks time to verify as to whether all the accused and victim in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender.*

5. *Mr. Mukul Sheoran, Advocate, accepts notice on behalf of respondent No. 2 and filed his memorandum of appearance in Court today. The same is taken on record. He confirms about factum of compromise between the parties. He is directed to file his power of attorney by the next date of hearing.*

6. *Copies of the petition be handed over to learned counsel for the respondents during the course of the day.*

7. *Adjourned to 05.08.2024.*

8. *The parties are directed to appear before the trial Court/Illaq Magistrate up-to 02.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-:-*

I. Whether a genuine compromise has been arrived at between all the affected parties

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent. ”



3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.401, dated 14.04.2022, registered under Sections 323, 406, 498-A and 506 of the IPC at Police Station Shahabad, District Kurukshetra (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

August 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No