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303 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26745-2024 (O&M)
DATE OF DECISION : 03.09.2024

RAHUL MALHOTRA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Anil Kumar Chauhan, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, DAG Haryana.

Mr. Viresh Dahiya, 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.70 dated 23.11.2018 registered at Police Station Women West Gurugram, District Gurugram under Sections 323, 34, 406, 498-A, 506, 509 IPC, on the basis of joint statement of the parties made before the learned Principal Judge, Family Court, Central THC, Delhi dated 15.01.2024 (Annexure P-2) and compromise deed dated 24.05.2024 executed between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered due to a matrimonial dispute between the parties and now the parties have amicably settled their dispute. A compromise deed dated 24.05.2024 has been executed in this regard. He further contends that both



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the petitioner No.1-husband and respondent No.2-wife are living together, 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] On 24.05.2024, 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 14.06.2024, received from the learned Addl. Chief Judicial Magistrate, Gurugram the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. It is further reported that as per the statement of Investigating Officer, after the registration of the FIR, names of Smt. Sushma Malhotra (petitioner No.2), Tushar Malhotra (petitioner No.3), Ajay Kumar Malhotra (petitioner No.4), Smt. Veena Malhotra (petitioner No.5) and Urmila (petitioner No.6) were deleted during the investigation. None of the petitioners have been declared as "Proclaimed Offender".

[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



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(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, in view of the aforesaid facts and circumstances and report of the trial Court, the present petition on behalf of petitioner Nos.2 to 6 has been rendered infructuous since their names have already been deleted during investigation and this petition is allowed qua petitioner No.1 and FIR No. 70 dated 23.11.2018 registered at Police Station Women West Gurugram, District Gurugram under Sections 323, 34, 406, 498-A, 506, 509 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua petitioner No.1.

[9] However, 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 are violated.

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

03.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*