



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

317

CRM-M-28097-2024 (O&M)
Date of decision: 01.08.2024

HIMANSHU

...Petitioner

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Naveen Kumar Sharma, DAG, Haryana.

Mr. Arun Kumar Gupta, 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.0139 dated 14.07.2022, under Sections 323, 354, 376, 377, 406, 498-A, 506, 511 IPC (Sections 354, 376, 377, 511 IPC deleted and Section 313 IPC added later on) registered at Police Station Panipat Sadar, District Panipat (Annexure P-1), on the basis of joint statement dated 15.02.2024 (Annexure P-3) of 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 joint statement dated 15.02.2024 (Annexure P-3) has been suffered by them before the Protection Officer. He submits that a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has been filed on behalf of the petitioner-husband and respondent No.2-wife before the Family Court. As per the compromise, petitioner-husband would pay a sum of Rs.2 lakhs to respondent No.2 for her past, present and future maintenance, as such respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about 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 31.05.2024, 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 06.07.2024 received from Judicial Magistrate 1st Class, Panipat forwarded through the office of District and Sessions Judge, Panipat, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as 'Proclaimed Offender'.

[7] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution of the petitioners in the present FIR.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.0139 dated 14.07.2022, under Sections 323, 354, 376, 377, 406, 498-A, 506, 511 IPC (Sections 354, 376, 377, 511 IPC deleted and Section 313 IPC added later on) registered at Police Station Panipat Sadar, District Panipat (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] 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-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

01.08.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No