



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

321

CRM-M-28852-2024 (O&M)
Date of decision: 01.08.2024

PREM PARKASH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Nirmal Singh, Advocate
for the petitioners.

Mr. Naveen Kumar Sharma, DAG, Haryana.

Mr. Himanshu Seth, Advocate for
Ms. Shelja Sharma, 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.81 dated 05.09.2020, under Sections 323, 406, 498-A IPC registered at Women Police Station Panipat, District Panipat (Annexure P-1), on the basis of compromise deed dated 27.05.2024 (Annexure P-3) 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 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 compromise deed dated 27.05.2024 (Annexure P-3) has been executed between them. He submits that joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 filed on behalf of the petitioner-husband and respondent No.2-wife has been accepted by the Family Court, Panipat vide judgment and decree dated 02.07.2024. Copy of the said judgment is submitted in the Court today, which is taken on record. As per the said judgment, respondent No.2 has received a sum of Rs.8 lakhs for her past, present and future maintenance as well as permanent alimony from the petitioner, 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. He further confirms about receipt of sum of Rs.8 lakhs from the petitioner.

[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. The said order reads as under:

‘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 parties and compromise deed dated 27.05.2024 (Annexure P-3) has also been executed between them. He submits that both the parties have already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Panipat, as such respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

On the asking of the Court, Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of respondent No. 1-State.

Ms. Shelja Sharma, Advocate has put in appearance on behalf of the respondent No.2 and filed her power of attorney, which is taken on record. She confirms about factum of compromise between the parties.

The State to file objections, if any; and also to verify as to whether



all the accused 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. State may file reply/status report.

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

Adjourned to 01.08.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 10.07.2024 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.'

[6] As per the report dated 18.07.2024 received from Chief Judicial Magistrate-cum-Additional Civil Judge (Sr. Divn.), 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.81 dated 05.09.2020, under Sections 323, 406, 498-A IPC registered at Women Police Station Panipat, 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	Yes/No
Whether reportable	Yes/No