

**Sr. No.267****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-29496-2024 (O&M)****Date of decision: 18th December 2024****ATUL SHARMA AND OTHERS****.....Petitioners****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ram Bilas Gupta, Advocate and
Ms. Monika Sharma, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Arnav Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.17 dated 26.02.2021, under Sections 323, 406, 498-A, 506 IPC, 1860, registered at Police Station Women, Ambala, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 27.05.2024 (Annexure P-2), executed between the parties.

2. The marriage between the petitioner-Atul Sharma and respondent No.2-Ashima Pal is stated to have been dissolved vide order dated 26.07.2022, passed by the Court of Queen's Bench at Alberta, Edmonton, (Annexure P-4).

2.1 The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report *qua* the genuineness



of the compromise was sought from the trial Court/Illaqa Magistrate vide order dated 12.11.2024.

3. Pursuant to the aforesaid order, the parties have appeared before the Chief Judicial Magistrate, Ambala and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 04.12.2024 with the following observations:-

“xxx xxx xxx xxx

- I. *From the statements of parties, it appears that a genuine compromise has been arrived at between all the affected parties.*
- II. *The complainant/victim and all the accused are party to the compromise.*
- III. *No additional accused has been added, neither any such accused is a party to the compromise.*
- IV. *From the report which the Investigating Officer has submitted, none of the accused has been declared as Proclaimed offender in present case.*
- V. *From the report which the Investigating Officer has submitted, after registration of the FIR no offence was added or deleted during investigation.*
- VI. *From the report which the Investigating Officer has submitted, investigation is pending against accused Atul Sharma, who is residing in abroad. LOC against accused Atul Sharma was got issued by Investigating Officer.*

xxx xxx xxx xxx”

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.



6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.17 dated 26.02.2021, under Sections 323, 406, 498-A, 506 IPC, 1860, registered at Police Station Women, Ambala, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

7. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 27.05.2024 (Annexure P-2) are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18th December 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No