

Sr. No.258

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-32092-2023 (O&M)
Date of decision: 20th January, 2024**

VISHAL KUMAR**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. K.S. Sodhi, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.268 dated 24.06.2013, under Sections 498-A and 323 IPC, registered at Police Station DLF, Phase-II, District Gurugram (Annexure P-1), on the basis of compromise dated 10.05.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between the petitioner-husband and respondent No.2-wife. Learned counsel for the petitioner further contends that compromise has been effected between the parties and the parties have decided to part their ways. A joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, has already been filed by the parties. As per the compromise dated 10.05.2023 (Annexure P-2), both the parties will withdraw all the complaints filed by them against each other. The petitioner has paid an amount of Rs.75,00,000 to his son namely Girek Kumar at the time of recording of first motion statement and the balance amount of Rs.85,00,000/- will be paid by the petitioner to his son at the time of recording

of second motion statement of the parties, which is stated to be pending for 13.02.2024.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 06.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 02.08.2023 of the Judicial Magistrate, Ist Class, Gurugram, through the District & Sessions Judge, Gurugram, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“Today, Complainant Ms. Shaili Kumar and Accused Vishal Kumar have appeared for getting recorded their statements before this court. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR, with their free will and volition and without any pressure.

4. *The point-wise report is as under.*

i) One accused Vishal Kumar has appeared before the court and made his statement.

ii) The accused Vishal Kumar has not been declared proclaimed person.

iii) The compromise is genuine voluntary and out of free will of the parties.

iv) No other case is pending against the accused Vishal Kumar

v) There is one Complainant only namely Ms. Shaili Kumar, as stated by the Investigating Officer.”

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the

opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] The matter has been settled between the parties; the parties have filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, first motion statement of the parties has been recorded whereby an amount of Rs.75,00,000/- has been paid by the petitioner to his son namely Girek Kumar at the time of recording of first motion statement and the balance amount of Rs.85,00,000/- will be paid by the petitioner to his son at the time of recording of second motion statement of the parties, which is stated to be pending for 13.02.2024, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.268 dated 24.06.2013, under Sections 498-A and 323 IPC, registered at Police Station DLF, Phase-II, District Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 10.05.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

20th January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No