



263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31561-2024 (O&M)
Date of decision: 07.08.2024

NAVEEN KUMAR AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virender Soni, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. M.S. Kathuria, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.147 dated 21.05.2024 under Sections 323/365/34 of IPC and Sections 498-A/406/377 of IPC have been added after recording of statement under Section 164 Cr.P.C., registered at Police Station Sadar Rohtak, District Rohtak along with all subsequent proceedings arising therefrom on the basis of compromise dated 27.06.2024 (Annexure P-3).

2. The following order was passed on 05.07.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.147 dated 21.05.2024 under Sections 323/365/34 of IPC and Sections 498-A/406/377 of IPC have been added after recording of statement under Section 164 Cr.P.C., registered at Police Station Sadar Rohtak, District Rohtak (Annexure P-1) along with subsequential proceedings arising therefrom on the basis of compromise dated 27.06.2024 (Annexure P-3).



Learned counsel for the petitioners inter alia contends that the FIR (supra) was registered due to matrimonial dispute between the petitioners and respondent No.2 and the FIR was registered by respondent No.3 who is the brother of respondent No.2. The parties have amicably settled their dispute and petitioner No.1 and respondent No.2 are now cohabiting together as husband and wife. However, respondent No.3 is not coming forward for getting this FIR quashed on the basis of compromise.

Notice of motion.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. M.S. Kathuria, Advocate accepts notice for respondent No.2 and files his power of attorney and supports the submission made by learned counsel for the petitioners and admits that respondent No.2 is cohabiting with petitioner No.1 in matrimonial home. Copy of the paper book be supplied to them during the course of day.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 07.08.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in

Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052, this petition is allowed and FIR No.147 dated 21.05.2024 under Sections 323/365/34 of IPC and Sections 498-A/406/377 of IPC have been added after recording of statement under Section 164 Cr.P.C., registered at Police Station Sadar Rohtak, District Rohtak and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

August 07, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No