

CRM-M-31548-2024 (O&M)

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304 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:115788



CRM-M-31548-2024 (O&M)
DATE OF DECISION : 03.09.2024

VIJAY KUMAR AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Siddharth Gulati, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, DAG Haryana.

Mr. Amit Sharma, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0150, dated 20.07.2020, registered at Police Station Bahuakbarpur, District Rohtak, under Sections 323, 354-A, 376, 377, 406, 498-A and 511 IPC read with Section 34 thereof (Sections 354-A, 376, 377 and 511 were deleted later on) on the basis of a Panchayati compromise, dated 03.05.2024 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No. 2-complainant who is

the wife of petitioner No. 1. A Panchayati compromise dated 03.05.2024 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court in which first motion statements have already been recorded.

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

[4] On 05.07.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 29.07.2024, received from the learned Judicial Magistrate First Class, Rohtak, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender".

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

[7] The matrimonial dispute between the parties stands settled. 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.

[8] Consequently, this petition is allowed and FIR No. 0150, dated 20.07.2020, registered at Police Station Bahuakbarpur, District Rohtak, under Sections 323, 354-A, 376, 377, 406, 498-A and 511 IPC read with Section 34 thereof (Sections 354-A, 376, 377 and 511 were deleted later on) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, 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 are violated.

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

03.09.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No