

CRM-M-32982-2023 (O&M) - 1 -

2023 : PHHC : 032258

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32982-2023 (O&M)

Date of Decision: 06.03.2024

NITESH DABAS AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ravinder Pankaj, Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Nimish Gautam, 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. 0251 dated 22.07.2019, registered at Police Station Murthal, District Sonipat, under Sections 323, 34, 354, 406, 498-A and 506 IPC on the basis of compromise dated 15.05.2023 (Annexure P-2) between the parties

[2] Learned counsel for the petitioners contends that initially the FIR was registered against all the petitioners but the challan has been presented only against petitioner No.1 whereas petitioner Nos. 2 to 4 have been found innocent. The FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between petitioner No.1 and respondent No.2. The said dispute has now been amicably settled between the parties and they are living together.

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

[4] On 21.12.2023, 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 03.02.2024, received from the Chief Judicial Magistrate, Sonapat through the District & Sessions Judge, Sonapat, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender" and they are not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case, 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. 0251 dated 22.07.2019, registered at Police Station Murthal, District Sonipat, under Sections 323, 34, 354, 406, 498-A and 506 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, respondent No.2-Priyanka Kumari @ Priyanka and the State shall be at liberty to seek cancellation of this order, in case the

final terms and conditions of compromise dated 15.05.2023 are violated.

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

06.03.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No