



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

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**CRM-M-33931-2023 (O&M)
Date of decision: 30.05.2024**

NIHAL SINGH AND ANR.

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Sant Lal Barwala, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.386 dated 03.10.2017, under Sections 498-A, 323, 342, 506, 34, 406 IPC registered at Police Station Civil Line, District Sonipat (Annexure P-1), on the basis of decree of divorce granted by the Family Court, Sonipat (Annexure P-5) between the son of the petitioners and respondent No.2.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioners and respondent No.2 and decree of divorce dated 05.07.2018 (Annexure P-5) has already been granted by the Family Court, Sonipat



between the son of the petitioners and respondent No.2, as such respondent No.2 does not want to take any action in the present FIR. As per decree of divorce dated 05.07.2018 (Annexure P-5), the parties have settled all their claims with regard to dowry articles and permanent alimony.

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

[4] On 12.03.2024, 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 10.04.2024 received from the Judicial Magistrate 1st Class, Sonapat forwarded through the office of District and Sessions Judge, Sonipat, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'. As per statement of SI Devender, during the course of the investigation, Sections 376, 377, 511 IPC were deleted. Accused persons namely Sonia and Roshan were kept in column No.12 of the report which was filed under Section 173 Cr.P.C.

[6] 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.



[7] Consequently, this petition is allowed and FIR No.386 dated 03.10.2017, under Sections 498-A, 323, 342, 506, 34, 406 IPC registered at Police Station Civil Line, District Sonipat (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[8] However, the 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

30.05.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No