

Sr. No.303

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

CRM-M-35888-2023
Date of decision: 07th March, 2024

HAPPY GAUR**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Shubham Chandel, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.25 dated 08.03.2019, under Sections 313, 323, 34, 354-A, 406, 498-A, 506 IPC, 1860 (Sections 313, 34, 354-A IPC, 1860 deleted later on), registered at Women Police Station, Jind, District Jind (Annexure P-1), on the basis of compromise dated 05.07.2023 (Annexure P-2) arrived at 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. The matter has now been amicably settled and compromise dated 05.07.2023 (Annexure P-2) has been executed between the parties. The parties had filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 and the marriage between the parties has been dissolved by way of decree of divorce dated 06.12.2023, passed by the Family Court, Jind. Photocopy of the decree of divorce

has been submitted in the Court today, which is taken on record. As per the decree of divorce, the petitioner-husband has paid a total sum of Rs.6,50,000/- to the respondent No.2-wife as full and final settlement qua maintenance and permanent alimony. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 14.11.2023, 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 15.12.2023, received from the Judicial Magistrate, Ist Class, Jind, through the District & Sessions Judge, Jind, 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 he is 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 and 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.25 dated 08.03.2019, under Sections 313, 323, 34, 354-A, 406, 498-A, 506 IPC, 1860

(Sections 313, 34, 354-A IPC, 1860 deleted later on), registered at Women Police Station, Jind, District Jind (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] 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 05.07.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

07th March, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No