



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

281

CRM-M-35845-2024 (O&M)
Date of decision: 11.09.2024

HONEY FUTELA AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Yogesh Goel, Advocate with
Mr. Tejas Brar, Advocate and
Mr. Simrandeep Singh, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Vipul Goel, Advocate with
Mr. Jashanpreet Singh, Advocate and
Mr. Saurav Bajaj, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.278 dated 26.06.2020,
under Sections 406, 498-A, 323, 354-A IPC registered at Police Station Ambala
Cant., District Ambala (Annexure P-1), on the basis of compromise deed dated
30.03.2024 (Annexure P-3) executed between the parties.

[2] Reply by way of an affidavit of Rajat Gulia, HPS, Deputy
Superintendent of Police, Ambala Cantt. filed on behalf of the respondent-State is
taken on record.



[3] 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 compromise deed dated 30.03.2024 (Annexure P-3) has been executed between them. He submits that joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has already been filed on behalf of the petitioner No.1-husband and respondent No.2-wife before Family Court, Ambala, as such respondent No.2 does not want to take any action in the FIR.

[4] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

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

[6] On 30.07.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[7] As per the report dated 03.09.2024 received from Judicial Magistrate 1st Class, Ambala forwarded through the office of District and Sessions Judge, Ambala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'.

[8] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution of the petitioners in the present FIR.

[9] 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.

[10] Consequently, this petition is allowed and FIR No.278 dated 26.06.2020, under Sections 406, 498-A, 323, 354-A IPC registered at Police Station Ambala Cant., District Ambala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] 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 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

11.09.2024

P.Bhatt

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No