

CRM-M-38694-2020 (O&M) - 1 -

2024 : PHHC : 042244

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38694-2020 (O&M)

Date of Decision: 19.03.2024

SHASHANK AKHOURI

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naren Pratap Singh, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Preeti Singh, Advocate for respondent No.2.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 46 dated 18.04.2019, registered under Sections 323, 34, 342, 498-A, 406, 506 IPC, at Women Police Station, Manesar, District Gurugram on the basis of compromise dated 03.11.2020 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner contends that the FIR is an outcome of matrimonial dispute between petitioner No.1 and respondent No.2 which stands resolved now. The parties have been granted divorce by mutual consent under Section 13-B of the Hindu Marriage Act. Copy of the judgment and decree of divorce passed by learned Family Court, Gurugram dated 21.12.2020 has been submitted in the Court, which is taken on record.

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

[4] On 24.11.2020, 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 of learned Judicial Magistrate First Class, Gurugram dated 15.02.2021, 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 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, 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. 46 dated 18.04.2019, registered under Sections 323, 34, 342, 498-A, 406, 506 IPC, at Women Police Station, Manesar, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2-Ananya Akhouri and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of Settlement Agreement dated 03.11.2020 are violated.

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

19.03.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No ;
Whether reportable : Yes/No