

Sr. No.285

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41890-2023
Date of decision: 13th February, 2024

JAGDISH KUMAR AND ANRPetitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lokesh Sharma, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Saurabh Shrama, 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.235 dated 07.06.2019, under Sections 498-A, 406 and 34 IPC, registered at Police Station Sadar Rohtak (Annexure P-1), on the basis of compromise and judgment dated 31.05.2023, passed under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-4).

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. Learned counsel for the petitioners further contends that compromise has been effected between the parties and the parties have already filed a joint petition for divorce under Section 13-B of Hindu Marriage Act, 1955 in the Family Court, Rohtak, wherein, statements of parties was recorded on first motion on 06.04.2023 (Annexure P-2). Copy of the statements of parties recorded on second motion is

Annexure P-3. The marriage between petitioner No.1 and respondent No.2 has been

dissolved by way of decree of divorce dated 31.05.2023 passed by the Family Court, Rohtak (Annexure P-4). It is further contended that as per Annexure P-3, petitioner No.1 has paid a sum of Rs.6,00,000/- to respondent No.2 towards full and final settlement on account of her past, present and future maintenance and permanent alimony and respondent No.2 does not want to take any action against the petitioners.

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

[4] On 24.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 04.11.2023 of the Additional Chief Judicial Magistrate, Rohtak, through the District & Sessions Judge, Rohtak, has been received with the following observations:-

(a) The compromise is willful and without any pressure or misrepresentation.

(b) Identity of the parties was ascertained by their respective Advocates.

(c) There is no other accused involved in the matter.

(d) The petitioner has never been declared Proclaimed Offender in the present case.

(e) The case is at the stage of investigation.

(f) As per record given by the Investigating Officer, no other case against any of the accused, is pending as on the day.

(g) FIR was registered against the accused persons only.”

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

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the

High Court has power under Section 482 Cr.P.C. to allow the compounding of non-

compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] The matter has been settled between the parties. The marriage between petitioner No.1 and respondent No.2 has been dissolved by way of decree of divorce dated 31.05.2023 passed by the Family Court, Rohtak (Annexure P-4) and petitioner No.1 has paid a sum of Rs.6,00,000/- to respondent No.2 towards full and final settlement on account of her past, present and future maintenance and permanent alimony, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.235 dated 07.06.2019, under Sections 498-A, 406 and 34 IPC, registered at Police Station Sadar Rohtak (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] 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/judgment dated 31.05.2023 are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

13th February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No