



CRM-M-40910-2023

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**247 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-40910-2023****Date of Decision: 08.11.2024****HIMANSHU AND OTHERS****... PETITIONERS****VS.****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Susheel Gautam, Advocate
for the petitioners.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Sanjeev Kumar Bansal, Advocate,
for respondent No.2.

HARPREET KAUR JEEWAN , J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0609 dated 24.11.2020 under Sections 312/406/498-A/34 IPC (Section 312 IPC was deleted and Section 315 IPC was added later on) registered at Police Station Sector-32/33, Karnal on the basis of compromise dated 04.05.2023 (Annexure P-2).

2. Learned counsel for the petitioners contend that on conclusion of investigation, the challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 24.11.2017. The matrimonial dispute has been amicably settled between the parties in terms of compromise. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 22.05.2023 passed by the

learned Family Court, Karnal (Annexure P-3). A sum of Rs.4,50,000/- has



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been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istrydhan and nothing else is due payable to her from the petitioner(s). No other case is pending between the parties. He further contends that even decree of divorce has already been passed on 22.05.2023 by the learned Family Court, Karnal (Annexure P-3).

3. Learned State counsel has submitted that even the offence under Section 312 IPC was deleted and provisions of Section 315 IPC were added at the time of presenting the final report under Section 173 Cr.P.C.

4. This Court, vide order dated 07.11.2023, had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

5. Pursuant to the aforesaid order, the parties have appeared before the learned Additional Sessions Judge, Karnal and got their statements recorded. He has confirmed that the compromise is genuine, voluntarily made and out of free will of the parties. It has been further reported that though four accused were named in the FIR, however, accused Uma was found innocent during the investigation and challan was presented and the case was ultimately committed to the Court of Sessions only against three accused. This fact has been confirmed by the learned State counsel.

6. Keeping in view the fact that there was a matrimonial dispute *inter se* between the parties which has been now resolved, parties have already given acquaintance and even decree of divorce has already been passed, it would not be in the interest of justice to further pursue with the prosecution of the present FIR.

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7. Accordingly, the present petition is allowed and FIR No.0609 dated 24.11.2020 under Sections 312/406/498-A/34 IPC (Section 312 IPC was deleted and Section 315 IPC was added later on) registered at Police Station Sector-32/33, Karnal on the basis of compromise dated 04.05.2023 (Annexure P-2) is 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 deed dated 04.05.2023 are violated.

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

08.11.2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No