

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288+135

CRM-M-45122-2022 (O&M)
Date of decision: 06.03.2024

HIMANSHU AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Jai Bhagwan Sharma, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Mehak Sawhney, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

CRM-115-2024

1. The present application has been filed for placing on record copy of the amended petition dated 04.01.2024 (amendment in the head note as well as the prayer clause) of the present petition in compliance of the order dated 16.12.2023 passed by this Court.
2. For the reasons mentioned in the application, the same is allowed.
3. Copy of amended petition dated 04.01.2024 is taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

[1] The present petition has been filed under Section 482 of the Code of

Criminal Procedure, 1973 for quashing of FIR No.471 dated 16.11.2021, under Sections 323, 34, 354 IPC (Sections 380 and 454 IPC deleted later on and Sections 506, 406, 498-A IPC added later on), registered at Police Station Palam Vihar, District Gurugram (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[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 between the parties. He further contends that matter has been settled between the parties and compromise (Annexure P-2) has been executed between them. He submits that petitioner No.1-Himanshu-husband and respondent No.2-Tamanna-wife have already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Jind (Annexure P-3), as such respondent No.2 does not want to take any in the present FIR.

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

[4] On 29.09.2022, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the reports dated 02.11.2022 and 26.05.2023, received from the Judicial Magistrate, Ist Class, Gurugram through the District & Sessions Judge, Gurugram, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offenders" and they are not involved in any other criminal case.

[6] Learned State counsel has not raised any objection regarding the

acceptance of the present petition. However, he has pointed out that another FIR No.49 dated 17.03.2022 registered under Sections 498-A, 323, 406, 506 read with Section 34 IPC at Police Station Women, Jind is pending against the petitioner No.1-Himanshu.

[7] Learned counsel for the petitioner submits that the matter in the above-said FIR No.49 dated 17.03.2022 stands mutually settled between the parties and cancellation report has been accepted by the trial Court. Copy of the said order dated 13.05.2023 passed by the Presiding Officer, National Lok Adalat-cum-JMIC, Jind is submitted in Court today, which is taken on record.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.471 dated 16.11.2021, under Sections 323, 34, 354 IPC (Sections 380 and 454 IPC deleted later on and Sections 506, 406, 498-A IPC added later on), registered at Police Station Palam Vihar, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondent No.2-Tamanna and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

06.03.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No