

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

299

CRM-M-46022-2023(O&M)
Date of decision: 09.04.2024

SATISH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0311 dated 17.07.2021, under Sections 323, 406, 498-A, 506 IPC (Sections 354, 354-B, 377 IPC deleted later on) registered at Police Station Thanesar Sadar, Kurukshetra (Annexure P-1), on the basis of compromise dated 02.08.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *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 petitioner-husband and respondent No.2-wife and compromise dated 02.08.2023 (Annexure P-2) has been executed between them. He submits that petitioner-husband and respondent No.2-wife have filed a joint petition for divorce

under Section 13-B of the Hindu Marriage Act, 1955, which has been granted by the Family Court, as such, respondent No.2 does not want to take any action in the present FIR.

[3] On 16.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[4] As per the report dated 30.11.2023, received from the Additional Chief Judicial Magistrate, Kurukshetra through the District & Sessions Judge, Kurukshetra, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

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

[6] The matrimonial dispute between the parties stands settled. 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.

[7] Consequently, this petition is allowed and FIR No.0311 dated 17.07.2021, under Sections 323, 406, 498-A, 506 IPC (Sections 354, 354-B, 377 IPC deleted later on) registered at Police Station Thanesar Sadar, Kurukshetra (Annexure P-1), and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.04.2024

P.Bhatt

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