

290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44103-2023(O&M)
Date of Decision: 25.04.2024

ANAND KUMAR

... PETITIONER

V/S

UNION TERRITORY OF CHANDIGARH AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vinay Kumar Pandey, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, Assistant Public Prosecutor,
UT, Chandigarh.

Ms. Pallavi Babbar, 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.0058 dated 18.06.2022 registered at Women Police Station, Chandigarh, under Sections 406 & 498-A IPC, on the basis of compromise deed dated 19.07.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered on account of matrimonial dispute between the petitioner and respondent No. 2 which stands resolved now. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 16.02.2024 passed by the learned Addl.

District Judge, Chandigarh.

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

[4] On 04.09.2023, 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 dated 05.10.2023, received from the learned Judicial Magistrate First Class, Chandigarh 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".

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

[7] 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.

[8] Consequently, this petition is allowed and FIR No. 0058 dated 18.06.2022 registered at Women Police Station, Chandigarh, under Sections 406 & 498-A IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2 and the State shall be at liberty to

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seek cancellation of this order, in case the final terms and conditions of compromise dated 19.07.2023 are violated.

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

25.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No