

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

303

CRM-M-46407-2023 (O&M)
Date of decision: 30.01.2024

OM SHIV CHARAN

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Sidhant Bhonsle, Advocate
for the petitioner.

Mr. Mayuri Lakhanpal, DAG Haryana.

Mr. Rahul Chauhan, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.25 dated 08.02.2022 registered at Women Police Station, District Yamuna Nagar under Sections 323, 406, 498-A, 506 of the IPC on the basis of compromise dated 08.09.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner-Om Shiv Charan and respondent No.2-Kamla Devi-wife, which has now been settled and written compromise deed dated 08.09.2023 (Annexure P-2) has been executed between the parties. He further contends that the parties have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage

Act, 1955 before Family Court, Yamuna Nagar at Jagadhri. He submits that respondent No.2 does not want to take any action in the present FIR.

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

[4] As per order dated 13.10.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 10.11.2023 of Court of Mr. Kapil, Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, statements of petitioner and complainant-respondent No.2 as well as Investigating Officer-HC Anita have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioner except the present case. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end the litigation and filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Yamuna Nagar at Jagadhri, as

such, further continuing with the present FIR is not in the interest of the parties. 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.25 dated 08.02.2022 registered at Women Police Station, District Yamuna Nagar under Sections 323, 406, 498-A, 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No