

309 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58637-2023 (O&M)
Date of Decision: 06.05.2024

MOHIT ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajnikant Upadhyay and
Mr. Amit Sharma, Advocates for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.
Mr. Ram Pal Verma, 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.264, dated 18.06.2019, registered at Police Station Gannaur, District Sonapat under Sections 323, 406, 498-A and 506 of the IPC, on the basis of compromise between the parties, which is recorded in joint statement of the parties dated 12.08.2022 (Annexure P-2) and decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 dated 04.11.2022 (Annexure P-3) has been passed.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2 due to matrimonial dispute, which stands resolved now. The parties have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955. The statements of the parties of first motion have been recorded on 12.08.2022 (Annexure P-2) and ultimately the said petition has been allowed and marriage between the petitioner and respondent No.2 has been dissolved on 04.11.2022 (Annexure P-3) by the Additional Principal Judge, Family

Court, Sonipat. Both the parties have agreed to withdraw all the litigations

filed by them *inter se* each other.

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

[4] On 21.11.2023, 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 02.02.2024, received from the learned Judicial Magistrate First Class, Ganaur the statements of parties were recorded and it has been reported that 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. 264, dated 18.06.2019, registered at Police Station Gannaur, District Sonapat under Sections 323, 406, 498-A and 506 of the 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 seek cancellation of this order, in case the final terms and conditions of compromise/joint statement dated 12.08.2022 are violated.

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

06.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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