



Sr. No.296

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48443-2023
Date of decision: 29th May, 2024

RAMANDEEP SINGH AND ANR.Petitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kartik Sandal, Ms. Raveena Dewan and
Mr. Rohan Sandal, Advocates for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

None 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.186 dated 07.08.2022, under Sections 34, 323, 377, 406, 498-A, 511 IPC, 1860 (Section 377 IPC deleted later on), registered at Police Station Women, N.I.T., District Faridabad (Annexure P-1), on the basis of compromise dated 11.04.2023 (Annexure P-3), executed between the parties.

2. On 15.03.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioners inter alia contends that a mutual settlement has been arrived at between the petitioners and respondent No.2. The parties had filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 and the decree of divorce has been granted by the Family Court, Faridabad vide judgment dated 24.07.2023 (Annexure P-4).

Notice of motion.

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana accepts notice on behalf of respondent No. 1-State.



Mr. Sankalp Gehlawat, Advocate, accepts notice on behalf of respondent No.2 and filed his power of attorney in Court today, which is taken on record and he confirms about factum of compromise between the parties. He further confirms that as per the settlement, both the parties had filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, which has been allowed as per the judgment dated 24.07.2023 (Annexure P-4), passed by the Family Court, Faridabad.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 29.05.2024.

Both the parties shall assist the Court, as to whether, the petition for quashing of the FIR is maintainable.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 16.04.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

- I. Whether a genuine compromise has been arrived at between all the affected parties.*
- II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?*
- III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?*
- IV Whether any accused is a Proclaimed Offender?*
- V Whether after the registration of the FIR any offence was added or deleted during investigation?*
- VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.*

xxx xxx xxx xxx”

3. In compliance of the aforesaid order, report dated 16.04.2024 has been received from the Judicial Magistrate Ist Class, Faridabad, through District and Sessions Judge, Faridabad, as per which, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The



petitioners have not been declared as “Proclaimed Offender” and they are not involved in any other criminal case.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in “Narinder Singh and others vs. State of Punjab and another”, (2014) 6 SCC 466, “Ramgopal and another Vs. State of Madhya Pradesh 2021”; SCC OnLine SC 834 and “Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others; (1980) 1 SCC 63 and Full Bench of this Court in “Kulwinder Singh Vs. State of Punjab 2007”; (3) RCR (Crl.) 1052, this petition is allowed and FIR No.186 dated 07.08.2022, under Sections 34, 323, 377, 406, 498-A, 511 IPC, 1860 (Section 377 IPC deleted later on), registered at Police Station Women, N.I.T., District Faridabad (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.
5. 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 deed dated 11.04.2023 (Annexure P-3) are violated.
6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No