

CRM-M-48453-2023 (O&M) - 1 -

2024 : PHHC : 041630

287

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48453-2023 (O&M)

Date of Decision: 21.03.2024

SURYA PRATAP SINGH ALIAS SURAJ

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. RPS Jammu, Advocate for
Mr. P.S.Jammu, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Naveen Sihag, Advocate for
Mr. S.K.Yadav, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 118 dated 13.06.2021 under Sections 313, 323, 34, 376, 377, 406, 498A, 506, 511 IPC registered at Police Station Women, NIT Faridabad, District Faridabad on the basis of compromise dated 18.08.2023 (Annexure P-3) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the present FIR has been got registered due to matrimonial dispute between petitioner No.1-husband and respondent No.2-wife, which stands resolved now. The FIR was registered against the petitioner and five other relatives, who were found innocent during the course of investigation and challan has been presented only against the petitioner. The marriage of petitioner No.1 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 11.03.2024 passed by the learned Principle Judge, Family Court, Faridabad.

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

[4] On 25.09.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 26.10.2023, received from the learned Judicial Magistrate First Class, through District and Sessions Judge, Faridabad 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” and he is not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case, 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. 118 dated 13.06.2021 under Sections 313, 323, 34, 376, 377, 406, 498A, 506, 511

and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2-Hemlata @ Ritu and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 18.08.2023 (Annexure P-3) are violated.

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

21.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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