



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

307+129

CRM-M-49766-2023 (O&M)
Date of decision: 21.05.2024

AMIT RAJBHAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Tushar Sinha, Advocate with
Mr. Rakesh Kumar Mishra, Advocate and
Mr. Abhishek Kumar Pandey, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Kajal Chauhan, Advocate for
Mr. V.K. Gupta, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

CRM-5293-2024

[1] The present application has been filed for preponing the date of hearing in the main case.

[2] The main case is listed for hearing today, as such the present application has become infructuous.

[3] Disposed of accordingly.

Main case

[1] The present petition has been filed under Section 482 of the Code of



Criminal Procedure, 1973 for quashing of FIR No.0062 dated 16.05.2019, under Sections 323, 406, 498-A, 506, 509 and 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1), on the basis of compromise executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner and respondent No.2. He submits that both the petitioner-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, wherein a judgment and decree dated 20.05.2024 has already been passed by the Family Court, Gurugram, as such, respondent No.2 does not want to take any action in the present FIR. Copy of the judgment and decree dated 20.05.2024 has been submitted in the Court today, which is taken on record. He further submits that a sum of Rs.19 lakhs for permanent alimony has already been paid by the petitioner.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties. She has also confirmed about receipt of Rs.19 lakhs for permanent alimony by the respondent No.2.

[4] Learned State counsel has not raised any objection regarding the acceptance of the present petition. As per para No.6 of the status report, after completion of the investigation report under Section 173(2) Cr.P.C. against the petitioner and co-accused Sagina Ram (father-in-law of the complainant) has been submitted in the Court of learned Illaqa Magistrate, Gurugram on 01.08.2019. However, Sagina Ram (father-in-law of the complainant) was discharged by the learned trial Court vide order dated 04.06.2022 and charges have been framed



against the present petitioner by the trial Court vide order dated 15.10.2022.

[5] On 04.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 20.01.2024 received from the Judicial Magistrate 1st Class, Gurugram forwarded through the office of District and Sessions Judge, Gurugram, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner is not involved in any other case except the present case and he has not been declared as 'Proclaimed Offender'.

[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.0062 dated 16.05.2019, under Sections 323, 406, 498-A, 506, 509 and 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] 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



are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

21.05.2024

P.Bhatt

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