

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295+121

CRM-M-50670-2023 (O&M)
Date of decision: 12.03.2024

VISHAL GULARIA AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. A.S. Sandhu, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Rajesh Bansal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-8336-2024

1. The present application has been filed for placing on record the copies of divorce petition under Section 13-B of the Hindu Marriage Act, 1955 and decree of divorce dated 02.02.2024 as Annexures P-3 and P-4.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexures P-3 and P-4 are taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.108 dated 03.11.2019, under

Sections 406, 498-A, 323, 377, 506, 34 IPC registered at Police Station Women, Sector-8, District Kurukshetra (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. The petitioner is husband and petitioners No.2 and 3 are father-in-law and mother-in-law of the respondent No.2. He further contends that matter has been settled between the parties and compromise (Annexure P-2) has been executed between them. He submits that petitioner No.1-husband and respondent No.2-wife have filed joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 which has already been allowed vide judgment and decree dated 02.02.2024 by the Family Court, Kurukshetra, as such, 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] On 09.10.2023, the parties were directed to appear before the CJM/Illaq Magistrate/trial Court for recording of their statements regarding the compromise.

[5] As per the report dated 21.10.2023, received from the Judicial Magistrate, Ist Class, Kurukshetra through the District & Sessions Judge, Kurukshetra, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offenders” and they are 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 and 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.108 dated 03.11.2019, under Sections 406, 498-A, 323, 377, 506, 34 IPC registered at Police Station Women, Sector-8, District Kurukshetra and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

12.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No