

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

296

CRM-M-51373-2023(O&M)
Date of decision: 08.04.2024

RAHUL YADAV AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Amit Jain, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Amandeep Kaur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.197 dated 07.04.2017, under Sections 498-A, 323, 406 IPC registered at Police Station Sohna, District Gurgaon (Annexure P-1) and charges framed under Sections 498-A, 323, 406 IPC vide order dated 07.05.2018 (Annexure P-2), on the basis of settlement deed dated 20.04.2023 (Annexure P-3) 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. He further contends that the matter has been settled between the petitioner No.1-husband and respondent No.2-wife and settlement deed dated 20.04.2023 (Annexure P-3) has been executed between them. He

submits that petitioner No.1-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Gurugram at Camp Court, Sohna, 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 10.10.2023, 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 21.10.2023, received from the Judicial Magistrate 1st Class, Sohna through the District & Sessions Judge, Gurugram, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioners and they have not been declared "Proclaimed Offenders".

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

[7] Since the matter has been settled between the parties and the parties have buried the hatchet and given quietus to the matter and 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.197 dated 07.04.2017, under Sections 498-A, 323, 406 IPC registered at Police Station Sohna, District Gurgaon (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 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

08.04.2024

P.Bhatt

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