

CRM-M-60934-2023 (O&M) - 1 -

2024 : PHHC :049606

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60934-2023 (O&M)

Date of Decision: 10.04.2024

CHANDER SHEKHAR ALIAS G.D. YOGYA NARAYAN AND
OTHERS

... PETITIONERS

V/S

STATE OF HARYAN AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Johan Kumar, Advocate, for the petitioners.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Akshit Mehta, Advocate, 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.182 dated 05.08.2022, registered at Police Station Women NIT Faridabad, District Faridabad, under Sections 323, 354-A, 376, 511, 406, 498-A, 506 and 34 of the IPC, on the basis of compromise deed dated 06.09.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered on account of the matrimonial dispute between petitioner No.1 and respondent No. 2 which stands resolved now. 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 06.12.2023 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 25.01.2024, 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 22.02.2024, received from the learned Judicial Magistrate First Class, Faridabad, 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". After the registration of the FIR, offence under Sections 376, 511, 354 and 494 IPC were deleted.

[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. 182 dated 05.08.2022, registered at Police Station Women NIT Faridabad, District Faridabad, under Sections 323, 354-A, 376, 511, 406, 498-A, 506 and 34 of the IPC, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, 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 dated 06.09.2023 are violated.

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

10.04.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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