

313

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55221-2023 (O&M)

Date of Decision: 19.03.2024

SHANKAR BHAWANI AND OTHERS

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. S.S. Verma, Advocate,
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, D.A.G., Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

[1]

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 27 dated 23.01.2021, under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 and 511 of the IPC, registered at Police Station Women District Jhajjar, (Annexure P-1), on the basis of compromise arrived at between the parties.

[2]

Learned counsel for the petitioners *inter alia* contends that the parties have effected a compromise in the present FIR and they had moved a joint petition under Section 13-B of the Hindu Marriage Act, 1955 on 30.11.2022 (Annexure P-2), in which a judgment and decree of divorce has been granted by the learned Family Court, Jhajjar, on 18.07.2023 (Annexures P-3 and P-4).

[3] A copy of the judgment and decree passed by the learned Family Court has been supplied in Court today by learned State counsel. The same is taken on record.

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

[5] On 01.12.2023, 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 19.03.2024, received from the Judicial Magistrate, Ist Class, Jhajjar, through the District & Sessions Judge, Jhajjar, , 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.

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

[8] 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.

[9] Consequently, this petition is allowed and FIR No. 27 dated 23.01.2021, under Sections 313, 323, 34, 376, 377, 406, 498-A, 506 and 511

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

[10] However, the respondent No.2-the complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

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

March 19, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No