

CRM-M-57159-2023 (O&M) - 1 - 2024 : PHHC : 050315

332 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57159-2023 (O&M)
Date of Decision: 15.04.2024

HITESH GARG

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Dr. Rau P.S. Girwar, Advocat for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Sandeep Kumar Bansal, Advocate, for respondent No. 4.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.64 dated 13.06.2020 registered at Police Station Women Cell, District Sirsa under Sections 323, 354, 354a(1)i, 498-A, 506, 34 IPC, on the basis of compromise deed (Annexure P-5) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered due to a matrimonial dispute inter se petitioner-Hitesh Garg and respondent-Arti which has now been resolved. Respondent No.4 does not want to take any action in the present FIR. A joint petition under Section 13-B of the Hindu Marriage Act which was filed before the Family Court, Bathinda has been allowed on 06.04.2024. As per the settlement, a sum of Rs. 13,50,000/- has been paid to respondent No.4 for permanent alimony (present, past and future) and no dispute inter se the parties is left.

[3] Learned counsel for respondent No.4 contends that he has no

objection for accepting the present petition and confirms the factum of genuineness of compromise between the parties.

[4] On 12.03.2024, 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 03.04.2024, received from the learned Judicial Magistrate First Class, Sirsa the 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 FIR.

[6] Learned State counsel has filed the reply by way of affidavit of Deepti Garg, Addl. Superintendent of Police, Sirsa along with the documents (Annexures R-1 to R-4). She has not raised any objection regarding the acceptance of the present petition.

[7] I have considered the facts of the present case.

[8] The marriage of petitioner-Hitesh Garg and respondent-Arti was solemnized on 21.02.2020. After a short stay together, the matrimonial dispute took place and present FIR was registered on 13.06.2020. Though there are allegations against the father-in-law of respondent No.4 but as per the copy of the MLR, Annexure R-1, no specific injury has been recorded. The divorce petition inter se petitioner and complainant has already been accepted. The maintenance has also been taken care of. As such, further proceeding with the present FIR is not in the interest of justice as well as for the future settlement of their lives.

[9] The matrimonial dispute between the parties stands settled.

Keeping in view the fact that the compromise between the parties is genuine

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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.

[10] Consequently, this petition is allowed and FIR No. 64 dated 13.06.2020 registered at Police Station Women Cell, District Sirsa under Sections 323, 354, 354a(1)i, 498-A, 506, 34 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[11] However, respondent No.4 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

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

15.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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