

CRM-M-57625-2023 (O&M) - 1 - 2024 : PHHC : 050384

333 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57625-2023 (O&M)
Date of Decision: 15.04.2024

HEM RAJ GARG AND ANOTHER ... PETITIONERS
V/S

STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Dr. Rau P.S. Girwar, Advocate for the petitioners.

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 dated 20.09.2023 (Annexure P-5) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered due to a matrimonial dispute *inter se* son of the petitioners i.e. Hitesh Garg and respondent No.4-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/Illaq Magistrate for recording of their statements regarding the compromise in CRM-M-57159-2023 which has been filed by the son of the petitioners i.e. Hitesh Garg for quashing of the FIR.

[5] As per the report dated 03.04.2024, received from the learned Judicial Magistrate First Class, Sirsa attached with CRM-M-57159-2023, 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" and they are 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] As per facts of the case, the marriage of son of the petitioners i.e Hitesh Garg and respondent No.4-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 petitioner No.1 who is 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* petitioners and complainant has already been accepted. The maintenance has also been taken care of. As such, further

prosecution on the basis of the present FIR is not in the interest of justice as well as would be detrimental to the future settlement of the parties.

[9] 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.

[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 petitioners.

[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 dated 20.09.2023 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