

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

293+138

CRM-M-56727-2022 (O&M)
Date of decision: 25.01.2024

SANDEEP KUMAR AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Mr. Mayuri Lakhanpal, DAG Haryana.

Mr. Pradeep Chhoker, Advocate for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-1556-2024

1. The present application has been filed for placing on record additional document/decreed of divorce dated 06.09.2023 as Annexure P-5.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexure P-5 is taken on record subject to all just exceptions.

Main case

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.92 dated 14.02.2019 registered at Police Station Samalkha, District Panipat under Sections 323, 406, 498-A, 506 and 34 of the IPC (Sections 354 and 376 IPC deleted after investigation) on the basis of compromise dated 13.10.2022 (Annexure P-2) effected between the

parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner No.1-Sandeep Kumar-husband and respondent No.2-Suman-wife, which has now been settled and written compromise deed dated 13.10.2022 (Annexure P-2) has been executed between the parties. He further contends that the parties have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 and decree of divorce has already been granted by Family Court, Samalkha on 06.09.2023 (Annexure P-5). He submits that total amount of Rs.1,70,000/- as mentioned in the compromise-agreement for permanent alimony for past, present, future and maintenance expenses has already been paid by the petitioner No.1. He submits that 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 and receipt of Rs.1,70,000/- by the respondent No.2 as per compromise agreement.

[4] As per order dated 07.12.2022 passed by the Coordinate Bench of this Court, the parties were directed to appear before the Illaqa/Duty Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 16.01.2023 of Court of Ms. Jogindri, Sub Division Judicial Magistrate, Samalkha, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-LASI Bimla have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force

or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end the litigation and even decree of divorce has already been granted by the Family Court, Samalkha (Annexure P-5), as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.92 dated 14.02.2019 registered at Police Station Samalkha, District Panipat under Sections 323, 406, 498-A, 506 and 34 of the IPC (Sections 354 and 376 IPC deleted after investigation) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

25.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No