

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

305

CRM-M-55458-2023 (O&M)
Date of decision: 09.04.2024

DARPAN SHAH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Lalita Kashyap, Advocate for
Ms. Prarthana Duggal, Advocate
for the respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.321 dated 07.05.2022, under Sections 323, 377, 406, 498-A and 506 IPC registered at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner and respondent No.2 and compromise (Annexure P-2) has

been executed between them. He submits that petitioner-husband and respondent No.2-wife has already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, which has been granted by the Family Court, Karnal (Annexure P-3), as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel for respondent No.2 has confirmed the factum of compromise between the parties.

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

[5] On 12.01.2024, 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 05.02.2024 received from the Additional Chief Judicial Magistrate, Karnal through the District & Sessions Judge, Karnal, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the petitioner and he has not been declared as 'Proclaimed Offender'.

[7] The matrimonial dispute between the parties stands settled. Keeping in view 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.321 dated 07.05.2022, under Sections 323, 377, 406, 498-A and 506 IPC registered at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, the 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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.04.2024

P.Bhatt

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No