

280 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-56821-2023
Date of decision: 10.01.2024

DAVINDER SINGH**Petitioner**

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Kulwinder Singh Lakhanpal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0066 dated 16.11.2018, under Sections 323, 406, 498-A and 506 IPC, registered at Women Police Station Panchkula, District Panchkula (Annexure P-1), on the basis of compromise dated 17.10.2023 (Annexure P-3) between the parties.

2. It is contended on behalf of the petitioner that compromise has been effected between the parties and all their disputes have been resolved. He further contends that the parties have decided to live together and respondent No.2/wife does not want to take any action against the petitioner-husband and she has no objection if the present FIR is quashed. Also, the petition filed by respondent No.2/wife under Section 125 Cr.P.C. has been withdrawn by her, as per order dated 01.09.2023.

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

SIMRANDEEP KAUR
2024.01.12 13:01
I attest to the accuracy and
integrity of this order/judgment.

4. On 14.11.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

5. The report dated 22.11.2023, of the Judicial Magistrate, Ist Class, Panchkula, through the District & Sessions Judge, Panchkula, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

- “2. Complainant/Respondent- Mandeep Kaur gave a statement in the Court to the effect that she has entered into a compromise with the accused voluntarily and without any coercion or undue influence. She submitted that she has no objection if the FIR no.66 dated 16.11.2018, P.S. Women Police Station, Panchkula is quashed.
3. Accused Davinder Singh appeared in the court and made a statement to the effect that the matter has been compromised with the complainant genuinely, voluntarily and without any coercion or undue influence. He requested that the FIR no. 66 dated 16.11.2018, P.S. Women Police Station, Panchkula be quashed.
4. In view of the statements given by the complainant and the accused in the Court, it appears that the compromise has been entered into between the parties voluntarily and is genuine.”

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

7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

8. Since the matter has been settled between the parties and the parties have decided to live together and the petition filed by respondent No.2/wife under

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.0066 dated 16.11.2018, under Sections 323, 406, 498-A and 506 IPC, registered at Women Police Station Panchkula, District Panchkula (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

10. However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 17.10.2023 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

10.01.2024
sim

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