

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57228-2023 (O&M)
Date of Decision: 22.04.2024

MUKESH KUMAR PRASAD

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jimmy Singla, Advocate for
Mr. Ritesh Tomar, Advocate, for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

None for respondent No.2.

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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.0316 dated 19.12.2021, under Sections 323, 498-A, 406, 34 & 506 IPC registered at Women Police Station, NIT Faridabad on the basis of Memorandum of Understanding dated 18.08.2023 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered on account of matrimonial dispute *inter se* petitioner and respondent No. 2 which stands resolved now. A joint petition with mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has already been filed on the basis of Memorandum of Understanding (Annexure P-3) has been executed between the parties.

[3] On 22.11.2023, the parties were directed to appear before the

trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[4] As per the report dated 20.12.2023, received from the learned Judicial Magistrate First Class, Faridabad 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 case. Respondent No.2 has received a DD No. 558088 dated 16.12.2023 in the sum of Rs. 10 Lakhs as per compromise deed/MOU dated 18.08.2023. As per the statement of complainant/respondent No.2 recorded by the learned trial Court, the compromise is in the welfare and interest of all and she has no objection in case the proceedings of criminal case pending against the petitioner are quashed.

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

[6] 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.

[7] Consequently, this petition is allowed and FIR No. 0316 dated 19.12.2021, under Sections 323, 498-A, 406, 34 & 506 IPC registered at

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Women Police Station, NIT Faridabad and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[8] However, respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of memorandum of understanding dated 18.08.2023 are violated.

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

22.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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