

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

318

CRM-M-57621-2023 (O&M)
Date of decision: 23.01.2024

RAHUL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rohit Choudhary, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Intizar-Ul-Hasan, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.50 dated 07.05.2023 registered at Police Station Women Ballabgarh, District Faridabad under Sections 323, 34, 406, 498-A of the IPC on the basis of compromise dated 31.10.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the petitioner No.1-Rahul and respondent No.2-Karishma were married to each other and a male child was born out of the said wedlock. Due to a matrimonial dispute, the present FIR was registered. He further contends that the matrimonial dispute has been resolved between the petitioners and respondent No.2 and they have executed a compromise deed dated 31.10.2023 (Annexure P-2) which is duly

signed by both the parties. He submits that respondent No.2 does not want to take any action in the present FIR. Both the parties are living together now.

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

4] As per order dated 16.11.2023 passed by this Court, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 06.12.2023 of Court of Ms. Jyoti Grover, Judicial Magistrate Ist Class, Faridabad, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-HC Renu have been recorded. The present FIR was registered against accused Rahul, Vijender Singh, Saroj, Jyoti, Dipika, Vicky and Naresh. During the course of investigation, only present petitioners-Rahul, Vijender Singh and Saroj were found culpable and challan was presented only against them. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. 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 and they are living together. They have decided to mutually end the litigation, 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.50 dated 07.05.2023 registered at Police Station Women Ballabgarh, District Faridabad under Sections 323, 34, 406, 498-A of the IPC 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

23.01.2024

P.Bhatt

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