

319 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57678-2023 (O&M)

Date of Decision: 23.01.2024

SANDEEP SINGH @ SANDEEP AND ANOTHER

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shashi Kumar Yadav, Advocate, for the petitioners.

Ms. Mayuru Lakhanpal, D.A.G., Haryana.

Mr. Arjun Singh, 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. 0078 dated 18.02.2019, registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad, under Sections 323, 354-A, 406, 498-A and 506 of the IPC, on the basis of compromise dated 03.02.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioner that the FIR was registered at the instance of respondent No. 2 due to a matrimonial dispute. Now the parties have amicably settled the matter and have decided to live their life separately. A joint petition filed by petitioner No. 1 and respondent No. 2 under Section 13-B of the Hindu Marriage Act, 1955, has been allowed by the Family Court, Faridabad on 08.09.2023 (Annexure P-6). 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 arrived at between the parties and also confirmed that respondent No. 2-complainant does not want to pursue with

the present litigation. He also submits that he has no objection if the present petition is allowed and the FIR against the petitioners is quashed.

[4] On 16.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 21.12.2023 of the Judicial Magistrate, Ist Class, Faridabad, through the District & Sessions Judge, Faridabad, has been received. As per said report, the compromise between the parties is genuine.

The relevant portion of the said report reads as under:-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. It is further submitted that there is only one complainant and three accused persons in the present FIR, however, one accused Mahender had also been expired during the trial of the present case and the proceedings against him had been dropped vide order dated 03.10.2022. Present accused were not declared proclaimed persons and there is no other FIR pending against them. It is further submitted that as a per the statement of IO concerned, during the investigation, apart from the above stated accused, neither any additional accused has been added nor he is party to the compromise. It is further submitted that apart the above said sections, no other sections had been added after registration of FIR during investigation of the present case. It is further submitted that the compromise between the parties appears to be 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] As per the written compromise dated 03.02.2023 (Annexure P-2) between the petitioners and respondent No. 2, the matrimonial dispute between petitioner No. 1 and respondent No. 2 has been finally resolved during the mediation process which took place at Faridabad. The agreement dated 03.02.2023 (Annexure P-2) has been signed by the parties and by the Mediator. As per the said agreement, petitioner No. 1-husband had agreed to make one time payment of ₹12,50,000/- to respondent No. 2-wife and both have decided to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955. The decree of divorce has already been passed by the Family Court, Faridabad (Annexure P-4). The parties want to put an end to the litigation, as such, in order to secure the ends of justice, the criminal proceedings initiated at the instance of respondent No. 2-wife deserves to be quashed.

[9] Consequently, this petition is allowed and 0078 dated 18.02.2019, registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad, under Sections 323, 354-A, 406, 498-A

and 506 of the IPC, and all the subsequent proceedings emanating therefrom
are ordered to be quashed, qua the petitioner.

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

January 23, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No