



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

320

CRM-M-59626-2023(O&M)
Date of decision: 23.05.2024

SUNIL KUMAR MALIK

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Eklavya Gupta, Advocate
for the petitioner.

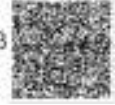
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Aditya Shioran, Advocate
for 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.90 dated 30.07.2021, under Sections 323, 34, 377, 498-A, 506 IPC (Sections 323, 34, 377 IPC deleted later on) registered at Women Police Station, District Faridabad (Annexure P-1), on the basis of compromise agreement/memorandum of understanding dated 31.10.2023 (Annexure P-2) executed 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



agreement/memorandum of understanding dated 31.10.2023 (Annexure P-2) has also been executed between the parties.. He submits that both the petitioner-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, wherein a judgment and decree of divorce dated 01.05.2024 has already been passed by the Family Court, Faridabad, as such, respondent No.2 does not want to take any action in the present FIR. Copy of the judgment and decree dated 01.05.2024 has been submitted in the Court today, which is taken on record. As per compromise, custody of the children would remain with the respondent No.2-wife.

[3] Learned counsel appearing on behalf of 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 07.03.2024, 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 08.04.2024 received from the Judicial Magistrate 1st Class, Faridabad forwarded through the office of District and Sessions Judge, Faridabad, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner is not involved in any other case except the present case and he has not been declared as 'Proclaimed Offender'. As per statement of ASI Sunita Rani, there were seven accused namely Sunil Kumar, Anand Singh Malik, Bimla Devi, Pradeep, Checkpal Sahrawat, Sonika Sahrawat and Rashmi Sachdeva Kumar and during the investigation all the accused except the present petitioner were found innocent and



were kept on column No.2.

[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.90 dated 30.07.2021, under Sections 323, 34, 377, 498-A, 506 IPC (Sections 323, 34, 377 IPC deleted later on) registered at Women Police Station, District Faridabad (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

23.05.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No