

CRM-M-60532-2023 (O&M) - 1 -

2024 : PHHC : 036045

298

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60532-2023 (O&M)

Date of Decision: 13.03.2024

AMJAD ANSARI

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sushil Sharma, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Bhagwan Singh, Advocate for

Mr. Dheeraj Kumar, Advocate 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. 77 dated 26.05.2021, under Sections 406 and 498-A IPC, registered at Police Station Kalka, District Panchkula (Annexure P-1), on the basis of compromise dated 17.11.2023 (Annexure P-2) between the parties

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute which stands resolved now.

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

[4] On 04.12.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the

compromise.

[5] As per the report dated 08.01.2024, received from the Judicial Magistrate First Class, Kalka through the District & Sessions Judge, Panchkula, 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". The complainant-wife has made a statement that she has no objection if the FIR No. 77 dated 26.05.2021 u/s 406 and 498-A of IPC, P.S. Kalka, against the accused is quashed.

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

[7] As per compromise Annexure P-2, both the parties have decided to file divorce petition with mutual consent as they are living separately since 05.06.2020 and they have further decided to withdraw all the litigations *inter se* between the parties detailed in the compromise.

[8] Keeping in view the facts and circumstances of the case, 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.

[9] Consequently, this petition is allowed and FIR No. 77 dated 26.05.2021, under Sections 406 and 498-A IPC, registered at Police Station Kalka, District Panchkula and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, respondent No.2-Afrin Ansari and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 17.11.2023 are violated.

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

13.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No