

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

308

CRM-M-60558-2023 (O&M)
Date of decision: 09.04.2024

DHARAMPAL

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Neeraj Kumar, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. J.S. Hooda, 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.67 dated 04.06.2018, under Sections 406, 498-A and 506 IPC registered at Women Police Station, Rohtak (Annexure P-1), on the basis of compromise dated 16.09.2023 (Annexure P-2) arrived at 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 deed (Annexure P-2) has been executed between them. He submits that the petitioner-husband and

respondent No.2-wife have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage before the Family Court, Rohtak. He further submits that as per the compromise (Annexure P-2), the petitioner-husband would pay a sum of Rs.5 lakhs to respondent No.2-wife as permanent alimony, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel for 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 02.12.2023 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 11.01.2024 received from the Chief Judicial Magistrate, Rohtak through the District & Sessions Judge, Rohtak, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the petitioner and he has not been declared as 'Proclaimed Offender'.

[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.67 dated 04.06.2018, under Sections 406, 498-A and 506 IPC registered at Women Police Station, Rohtak (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

09.04.2024

P.Bhatt

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