

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60889-2023 (O&M)
Date of decision: 30.04.2024

ASHOK KUMAR AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Pallavi Babbar, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Akash Aggarwal, Advocate for
Mr. Kushager Goyal, Advocate
for respondent No. 2/complainant.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 127 dated 21.07.2020 registered under Sections 120-B, 315, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Kunjpura District Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 20.11.2023 (Annexure P-3).

2. The following order was passed on 20.02.2024:

“CRM-6731-2024

Allowed as prayed for. Annexures P-8 and P-9 are taken on record, subject to all just exceptions.

CRM-M-60889-2023

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.127 dated 21.07.2020, under Sections 120-B, 315, 377, 406, 498-A and 506 IPC, registered at Police Station Kunjpura, District Karnal (Annexure P-1), on the

basis of compromise dated 20.11.2023 (Annexure P-3) arrived at between the parties.

Learned counsel for the petitioner inter alia contends that the FIR was registered due to a matrimonial dispute between petitioner No.1 and respondent No.2, which has now been resolved as per the compromise dated 20.11.2023 (Annexure P-3). In pursuance to the said compromise, the marriage between petitioner No.1 and respondent No.2 has been dissolved by way of decree of divorce (Annexure P-9).

Notice of motion.

On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab accepts notice on behalf of respondent No. 1-State.

Mr. Kushager Goyal, Advocate, accepts notice on behalf of respondent No.2/complainant filed his power of attorney in Court today, which is taken on record and he confirms about factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 30.04.2024.

Both the parties shall assist the Court, as to whether, the petition for quashing of the FIR is maintainable.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 21.03.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and **Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 127 dated 21.07.2020 registered under Sections 120-B, 315, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Kunjpura District Karnal and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 30, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No