

Sr. No.304

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-62419-2023
Date of decision: 01st May, 2024**

ANKUR GUPTA AND OTHERS**Petitioners**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. D.S. Matya , Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Navneet Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.124 dated 16.10.2019, under Sections 34, 406, 498-A IPC, 1860, registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1), on the basis of compromise deed dated 01.12.2023 (Annexure P-2), executed 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. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 01.12.2023 (Annexure P-2). The parties have decided to part ways and a joint petition under Section 13-B of the Hindu Marriage Act, 1955 has already been filed by them, wherein, statement of the parties on first motion has been recorded and now the case is pending for 01.07.2024 for recording statement of parties on second motion.

The petitioner-husband will pay a sum of Rs.43,00,000/- to respondent No.2-wife as permanent alimony, out of which, Rs.21,50,000/- has already been paid by him and the remaining amount of Rs.21,50,000/- will be paid by him to respondent No.2-wife at the time of recording of statement of parties on second motion. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 12.12.2023, 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 30.04.2024, received from the Judicial Magistrate, Ist Class, Gurugram, through the District & Sessions Judge, Gurugram, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender” and they are not involved in any other criminal case.

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

[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, the present petition is allowed and FIR No.124 dated 16.10.2019, under Sections 34, 406, 498-A IPC, 1860, registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 01.12.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

01st May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>