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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64285-2023 (O&M)

Date of Decision: 13.03.2024

KULDEEP

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Lalit Pardhan, 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. 428 dated 03.12.2021, registered at Police Station Bawani Khera, District Bhiwani under Sections 323, 406, 498-A, 34 of the IPC (charges framed under Sections 323, 406, 498-A, 506 IPC), on the basis of compromise and affidavit dated 12.12.2023 (Annexures P-2 and P-3) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that parties have effected the compromise and petitioner as well as respondent No.2 are happily living together as husband and wife. Registration of the FIR was on account of matrimonial dispute which now stands resolved as per the compromise, Annexures P-2 and P-3. As such, respondent No.2 does not want to take any action in the said FIR.

[3] Learned State counsel has filed the status report, the same is taken on record, as per which 4 accused were declared innocent and challan

was presented only against the petitioner-husband. Charges have already been framed. Case is pending for recording of prosecution witnesses.

[4] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and has stated that parties are living together as husband and wife.

[5] On 20.12.2023, 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 13.02.2024, received from the learned Judicial Magistrate First Class, Bhiwani, 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".

[7] 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.

[8] Consequently, this petition is allowed and FIR No. 428 dated 03.12.2021, registered at Police Station Bawani Khera, District Bhiwani under Sections 323, 406, 498-A, 34 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2-Jagriti and the State shall be at

liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 12.12.2023 are violated.

[10] 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