

246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63792-2023 (O&M)

Date of decision: 15.04.2024

SANDEEP SINGH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Karan Singh, Advocate
for respondent No. 2.

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. 86 dated 30.11.2018 registered under Sections 406, 498-A and 34 of Indian Penal Code at Police Station Women West Gurugram, District Gurugram all subsequent proceedings arising therefrom on the basis of petition filed under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce by mutual consent dated 22.03.2023 (Annexure P-2).

2. The following order was passed on 18.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.86 dated 30.11.2018 under Sections 406, 498-A and 34 of the Indian Penal Code, 1860 registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a petition filed under Section 13-B of the Hindu Marriage Act, 1955 dated 22.03.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the present FIR is the result of a matrimonial discord between the parties. Learned counsel for the petitioner would further contend

that all disputes between the parties stand resolved and that the parties have since obtained a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 on 26.09.2023. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Ms. Ankita Ahuja, AAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Karan Singh, Advocate accepts notice for respondent No.2-complainant and has filed his vakalatnama, which is taken on record. Copy of the petition has already been supplied to both the counsel.

Learned counsel for respondent No.2 has also reiterated that the parties have since entered into the compromise voluntarily and willingly and that respondent No.2 would have no objection if the aforesaid FIR is quashed in view of the compromise entered into between the parties by way of a petition filed under Section 13-B of the Hindu Marriage Act, 1955 dated 22.03.2023 (Annexure P-2).

List on 15.04.2024.

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **31.01.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the compromise by way of petition under Section 13-B of the Hindu Marriage Act dated 22.03.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*

- 3) *Whether any other criminal cases are pending against the parties.*
- 4) *Whether any proclamation proceedings are pending against either of the parties.”*

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. 86 dated 30.11.2018 registered under Sections 406, 498-A and 34 of Indian Penal Code at Police Station Women West Gurugram, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 15, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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