

Sr. No.297

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

CRM-M-63899-2023
Date of decision: 04th April, 2024

RAJESH DHIMAN**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Alisha Soni, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Mikhail Kad, Advocate for
Mr. Amandeep Mann, 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.523 dated 07.09.2022, under Sections 323, 34, 498-A, 406, 506, 509 IPC, registered at Police Station Tehsil Camp, District Panipat (Annexure P-1), on the basis of compromise deed dated 09.12.2023 (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, the matter has now been amicably settled and the parties have executed compromise deed dated 09.12.2023 (Annexure P-2). The parties have decided to part ways and file a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955. As per the compromise deed (Annexure P-2), the petitioner-husband shall pay a sum of Rs.4,00,000/- to respondent No.2-wife as full and final

and the custody of the child shall remain with respondent No.2-wife. 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 19.12.2023, 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 07.02.2024, received from the Judicial Magistrate, Ist Class, Panipat, through the District & Sessions Judge, Panipat, compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. During investigation, offence under Sections 509 and 34 IPC was deleted. As per the statement of the Investigating Officer, the FIR was intially lodged against three accused persons namely Rajesh Dhiman, Roshni and Ram Kumar, however, during investigation, accused Roshni and Ram Kumar were found to be innocent. The petitioner-Rajesh Dhiman has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case and 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.523 dated 07.09.2022, under Sections 323, 34, 498-A, 406, 506, 509 IPC, registered at Police Station Tehsil Camp, District Panipat (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 09.12.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

04th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No