

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

310

CRM-M-64390-2023 (O&M)
Date of decision: 09.05.2024

SACHIN KUMAR @ SACHIN AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Anshul Sharma, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Pragati Kumari, Advocate for
Mr. S.S. Thakur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0306 dated 22.04.2018, under Sections 34, 498-A, 506 IPC registered at Police Station Saran, District Faridabad (Annexure P-1), on the basis of compromise deed dated 03.10.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial

dispute between the parties. He further contends that the matter has been settled between the petitioners and respondent No.2 and compromise deed dated 03.10.2023 (Annexure P-2) has been executed between them. He submits that as per the compromise, both the petitioner No.1-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Faridabad. He has informed that divorce has already been granted by the Family Court, Faridabad vide judgment and decree dated 04.04.2024. He further submits that as per the compromise, petitioner No.1-husband has agreed to pay a sum of Rs.8,00,000/- to respondent No.2-wife towards permanent alimony and maintenance (past, present and future), as such, respondent No.2 does not want to take any action in the present FIR.

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

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

[5] On 21.12.2023, 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 06.04.2024 received from the Judicial Magistrate 1st Class, Faridabad forwarded through the office of District and Sessions Judge, Faridabad, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners have not been declared as 'Proclaimed Offenders'.

[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, this petition is allowed and FIR No.0306 dated 22.04.2018, under Sections 34, 498-A, 506 IPC registered at Police Station Saran, District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

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

(HARPREET KAUR JEEWAN)
JUDGE

09.05.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No