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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1828-2024 (O&M)
Date of Decision: 22.03.2024

SUKHDEV AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikram Rana, Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Deepam Raghav, Advocate for respondent No.2.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.143 dated 28.11.2018, registered at Police Station Adarsh Nagar, District Faridabad, under Sections 323, 34, 376, 377 and 498-A of IPC, on the basis of compromise dated 20.01.2024 (Annexure A-1) between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the petitioner No. 3-Raj Kumar. A compromise deed dated 20.01.2024 (Annexure A-1) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed before the learned Family Court, Faridabad (Annexure P-2) in which first motion statements have already been recorded.

[3] Learned counsel appearing on behalf of respondent No. 2 has

confirmed the factum of compromise between the parties.

[4] On 13.02.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 08.09.2023, received from the learned Judicial Magistrate First Class, Faridabad, 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".

[6] Learned State counsel informs that offence under Section 376 IPC has been deleted during investigation and the co-accused of the petitioner namely Tarun was declared innocent. The State has not raised any objection regarding the acceptance of the present petition.

[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. 143 dated 28.11.2018, registered at Police Station Adarsh Nagar, District Faridabad, under Sections 323, 34, 376, 377 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 20.01.2024 are violated.

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

22.03.2024

(HARPREET KAUR JEEWAN)

Janki

JUDGE

Whether speaking/reasoned : Yes/No ;

Whether reportable : Yes/No