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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65414-2023 (O&M)

Date of Decision: 13.03.2024

NISHANT AHUJA AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Anmol Verma (Khajwaniya), Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. Aruz Khan, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

CRM-10054-2024

[1] This is an application for placing on record the affidavits of petitioner Nos. 1 to 3 (Annexures P-6 to P-8), copy of the judgment and decree under Section 13-B of the Hindu Marriage Act dated 08.02.2024 (Annexure P-9).

[2] The same are allowed to be taken on record. .

[3] Registry is directed to tag the same at the appropriate place.

[4] Disposed of .

Main case

[5] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 166 dated 30.12.2019, registered at Women Police Station, Gurgaon, Haryana under Sections 406, 498-A, 34 IPC on the basis of compromise dated 13.10.2023 (Annexure P-2) between the parties.

Learned counsel for the petitioners contends that the FIR was

registered at the instance of respondent No.2-wife on account of a matrimonial dispute between petitioner No.1 and respondent No.2.

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

[8] On 05.01.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[9] As per the report dated 22.02.2024, received from the learned Judicial Magistrate First Class, Gurugram, 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” and they are not involved in any other criminal case.

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

[11] 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.

[12] Consequently, this petition is allowed and FIR No.166 dated 30.12.2019, registered at Women Police Station, Gurgaon, Haryana under Sections 406, 498-A, 34 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[13] However, respondent No.2-Geetika Tyagi and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 13.10.2023 are violated.

[14] 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