

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289

CRM-M-65184-2023 (O&M)
Date of decision: 11.03.2024

PIYUSH GOYAL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vaibhav Parashar, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. M.K. Bali, 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.0432 dated 22.12.2021, under Sections 323, 34, 498-A, 506 IPC registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1), on the basis of compromise/memorandum of understanding (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between the parties. He further contends that matter has been settled between the parties and compromise/memorandum of understanding (Annexure P-2) has been effected between them. He submits that as per compromise/memorandum of understanding (Annexure P-2), petitioner No.1-

Piyush Goyal-husband and respondent No.2-Sonali Goyal-wife have already filed joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Ambala, 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] On 04.01.2024, 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 02.02.2024, received from the Judicial Magistrate, Ist Class, Ambala through the District & Sessions Judge, Ambala compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offenders” and they are not involved in any other criminal case. Statements of the accused, complainant and ASI Saroj Devi have been recorded. During the investigation, offences under Section 406 and 354 IPC were added but later on offence under Section 354 IPC was deleted. During the investigation, accused-petitioner No.4-Nikita Goyal was found innocent.

[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, this petition is allowed and FIR No.0432 dated 22.12.2021, under Sections 323, 34, 498-A, 506 IPC registered at Police Station Mahesh Nagar, District Ambala 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 the compromise/memorandum of understanding (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

11.03.2024
P.Bhatt

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