

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

Crl. Misc. M- 29238 of 2017 (O&M)
Date of Decision: 13.08.2018

Kulwinder Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S.Nahel, Advocate
for the petitioner.
Ms. Seena Mand, DAG, Punjab.
Mr. R.S. Sidhu, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.48 dated 26.05.2017 registered under Sections 498A, 406 of the Indian Penal Code at Police Station PS Women, Patiala (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/3).

In brief the facts are that a matrimonial dispute arose between petitioner No.1- Kulwinder Singh and respondent No.2-Gurpreet Kaur which led to the registration of FIR No.48 dated 26.05.2017 under Sections 498A, 406 of the Indian Penal Code.

Before the registration of the aforesaid FIR, respondent No.2 had also got registered FIR No.72 dated 30.04.2017 under Sections 304, 34 of Indian Penal Code at Police Station Samana District Patiala. However,

during the pendency of both the FIRs, the matter was compromised with the intervention of respectable persons of the society and compromise dated 03.08.2017 came into effect. In the said compromise, it was agreed between the parties to get their marriage dissolved by a decree of divorce by filing a petition under Section 13B of the Hindu Marriage Act, while also agreeing that FIR No.72 dated 30.04.2017 registered under Sections 304, 34 of Indian Penal Code at Police Station Samana District Patiala would not survive and the respondent No.2 would be bound to make a statement to this effect both before the High Court or the Illaqa Magistrate.

Both Criminal Misc.-M- 29311 of 2017 seeking quashing of FIR No. 72 dated 30.04.2017 registered under Sections 304, 34 of Indian Penal Code at Police Station Samana District Patiala and Criminal Misc.M- 29238 of 2017 seeking quashing of FIR No.48 dated 26.05.2017 registered under Sections 498A, 406 of the Indian Penal Code at Police Station PS Women, Patiala were filed in this High Court and the matter was referred to the Illaqa Magistrate for recording the statements for ascertaining the genuineness of the compromise. In view of the statements recorded before the Illaqa Magistrate and a report in this respect was received on 01.09.2017 from the Illaqa Magistrate that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one, the FIR No.72. dated 30.04.2017 has been quashed in Crl. Misc.-M-29311 of 2017.

Hence, the present petition is allowed and FIR No.48 dated 26.05.2017 registered under Sections 498A, 406 of the Indian Penal Code at Police Station PS Women, Patiala and all subsequent proceedings arising

out of the same are quashed.

The petition stands disposed of.

August 13, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No