

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

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CRM-M-23862-2020

Date of decision : 07.10.2020.

Vikas Motia and others

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Dharam Bir Bhargav, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Nandan Jindal, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioners are seeking quashing of FIR No.73 dated 16.09.2019 under Sections 406, 498-A IPC, registered at Women Police Station, Patiala, on the basis of compromise dated 20.07.2020 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is the outcome of misunderstanding between the parties due to matrimonial dispute which has now been compromised for a sum of ₹19 lacs out of which ₹9 lacs has been paid while ₹10 lacs is to be paid at the time of second motion on 25.01.2021. Petitioner No.1 is the husband while respondent No.2 is the wife. He further states that they have also filed a petition for divorce for dissolution of marriage under Section 13-B of the Hindu Marriage Act, 1955.

Learned counsel for respondent No.2 states that the matter has

indeed been compromised and an amount of ₹9 lacs has been received.

This Court vide order dated 21.08.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements and send a report as to whether the compromise has been arrived at without any coercion or undue influence. The report of the Judicial Magistrate Ist Class, Patiala dated 04.09.2020 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that compromise which has been effected is genuine, voluntary and without undue influence.

In view of the law laid down by the Supreme Court in the case of **Narinder Singh vs. State of Punjab 2014 (6) SCC 466**, no useful purpose will be served by continuing the criminal proceedings. The FIR is an outcome of a matrimonial dispute which has now been resolved and the matter has been compromised. It would, thus, be in the interest of justice to quash the FIR No.73 dated 16.09.2019 under Sections 406, 498-A IPC, registered at Women Police Station, Patiala and all consequential proceedings are hereby quashed qua the petitioners.

It is clarified that in the event of the petitioners not making payment in terms of the compromise, respondent No.2 shall be at liberty to file an application in this regard.

(ANUPINDER SINGH GREWAL)
JUDGE

October 07, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No