

CRM-M No.5259 of 2021 (O&M)

Date of Decision: 06.12.2021

Manpreet Singh

..... Petitioner

V/s.

State of Punjab and Another.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGALPresent: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. P.S. Walia, DAG, Punjab.

Mr. Davinder Kumar, Advocate for respondent No.2.

Suvir Sehgal, J. (Oral)**CRM-38938 of 2021**

Prayer in the application is for preponing the hearing of the main case which is fixed for hearing on 07.04.2022.

Taking into account the fact, the FIR is a result of a matrimonial dispute, which has been settled, application is allowed.

The hearing of the main case is preponed to today and is ordered to be taken on board.

Main Case

Counsel for the petitioner has filed a copy of the judgment and decree dated 18.03.2021 passed by the Family Court, Bathinda whereby marriage between the petitioner and complainant-respondent No.2 has been dissolved by a decree of divorce by mutual consent. It is taken on record as Mark A.

Vide instant petition filed under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of FIR No. 54 dated 17.11.2017, registered for offence under Sections 498A and 406, IPC at Police Station PS Women, District Bathinda alongwith all subsequent proceedings arising therefrom qua the petitioner, on the basis of Panchayati compromise dated 20.08.2020 (Annexure P-3).

Counsel for the petitioner submits that the petitioner was married to the complainant-respondent No.2 on 18.06.2016, however, due to temperamental differences, they could not pull along and started residing separately from May, 2017. He submits that FIR (Annexure P-1) was lodged by the complainant-respondent No.2 on account of a marital discord, which has been settled by virtue of a Panchayati compromise (Annexure P-3) which is duly supported by an affidavit (Annexure P-2) of the complainant-respondent No.2. By referring to the divorce decree dated 18.03.2021, counsel for the petitioner submits that in terms of the settlement between the parties, the petitioner has paid permanent alimony of ₹5.00 lacs to the complainant-respondent No.2 which is duly recorded in the said proceedings. He submits that pursuant to the order passed by this Court, the parties have appeared before the trial Court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Tasvir Singh, learned State counsel submits that the challan has been presented and charge has been framed in the year 2019. However, only one, out of 22 prosecution witnesses, has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and has stated that respondent No.2 does not have any objection in case the FIR (Annexure P-1) is quashed.

Heard, counsel for the parties.

Vide order dated 04.02.2021, this Court directed the parties to appear before the trial Court for recording of their statements and directed the Trial Court to submit a report regarding the validity and genuineness of the compromise as well as in respect of the antecedents of the petitioner besides giving details of the number of accused involved and their status.

In compliance of the said order, a report has been received from the trial Court. The relevant extract thereof is as under:

“It is respectfully submitted that as per the statement of the investigating officer ASI Bhola Singh, the present FIR was registered on the complaint filed by Harpreet Kaur against Gurcharan Singh and Manpreet Singh. During investigation Gurcharan Singh was declared innocent and challan was presented against accused namely Manpreet Singh. No accused has been declared proclaimed offender in the present case.

In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.”

Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543*** has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure, 1973, to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in

case ***Kulwinder Singh Vs. State of Punjab and Another, 2007(3) RCR (Criminal) 1052*** and Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and Another, 2013 (4) RCR (Criminal) 102*** has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

In ***Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834***, Hon'ble Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings arising out of a matrimonial dispute, which has been settled.

Accordingly, the petition is allowed. FIR No. 54 dated 17.11.2017, under Sections 498A and 406, IPC at Police Station PS Women, District Bathinda alongwith all subsequent proceedings arising therefrom qua the petitioner, on the basis of Panchayati compromise dated 20.08.2020 (Annexure P-3), are quashed qua the petitioner.

6th December, 2021

Sonia Puri

**(SUVIR SEHGAL)
JUDGE**

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