

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

**209**

**CRM-M-5626-2020**

**Date of Decision:26.02.2021**

**MOHAN LAL @ KALA**

**...PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Ms. Pavneet Boparai, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Vipul Sharma, Advocate for  
Mr. Dilraj Singh, Advocate  
for respondent No.2.

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**SUVIR SEHGAL, J.(ORAL)**

The Court has been convened through video conferencing due to Covid-19 pandemic.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.161 dated 27.08.2018 registered under Section 498-A IPC (Sections 323,304, 506, 149 IPC were subsequently deleted), 1860, at Police Station Lehra, Sangrur, Annexure P-1, on the basis of compromise.

Counsel for the petitioner submits that the FIR was a result of a marital discord between the petitioner and complainant/respondent No.2, which has been resolved by virtue of compromise dated 10.01.2020, Annexure P-3, arrived at between the parties. She further submits that in terms of the compromise, the entire amount of *stridhan* and permanent alimony for the complainant/respondent No.2 and her minor daughter stands paid. She has further instructions to submit that divorce by mutual consent

under Section 13-B of the Hindu Marriage Act, 1955, has been granted vide decree dated 29.07.2020.

Counsel representing complainant-respondent No.2 has conceded to the statement made by the counsel for the petitioner. Vide order dated 07.02.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioner and complainant-respondent No.2, the Judicial Magistrate Ist Class, Moonak, Sangrur, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused has not been declared as Proclaimed Offender and no other criminal case is pending against the petitioner.

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 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. The 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 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

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.

Accordingly, the petition is allowed. FIR No.161 dated 27.08.2018 registered under Section 498-A IPC (Sections 323,304, 506, 149 IPC were subsequently deleted), 1860, at Police Station Lehra, Sangrur, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

26.02.2021  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |