

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-12005-2021

Date of decision:11.11.2021

Meena Rani and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. P.S. Toor, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.23 dated 03.06.2019 under Sections 406 and 498-A IPC, 1860, registered at Police Station NRI, SAS Nagar, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 20.02.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that petitioner No.1 is the mother-in-law and her son-petitioner No.2 was married to complainant/respondent No.2 on 14.10.2016 and no child was born out of the wedlock. He submits that due to marital discord and acrimony between the parties, FIR, Annexure P-1, was lodged and now the dispute between the parties has been settled by virtue of settlement/agreement dated 20.02.2020.

By referring to Para 04 of the petition, he submits that the marriage between the parties has been resolved by virtue of a decree of divorce by mutual consent passed on 03.02.2021 and the petitioner has made the entire payment of Rs.15 lacs towards permanent alimony to the complainant/respondent No.2. Still further, he submits that in compliance of the order passed by this Court, parties have appeared before the trial court and their statements have been recorded in support of the settlement.

Counsel representing the complainant/respondent No.2 has admitted the factum of compromise as well as the fact that the marriage has been dissolved and that the complainant/respondent No.2 has received the alimony amount under the settlement.

Heard.

Vide order dated 01.09.2021, this Court directed the trial court to submit a report, after recording the statements of the parties, as to the genuineness of the compromise and whether PO proceedings are pending against any of the parties. Report has been received and the relevant extract thereof is reproduced hereunder:-

“1. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily out of their own free will and same is genuine, without any coercion or undue influence.

2. As per record and statement of IO, no PO proceedings are pending against either of the party.”

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. 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.

FIR, Annexure P-1, is a fall-out of estranged relations between the parties, who have voluntarily entered into an amicable compromise to give a quietus to their disputes. There is unanimity amongst the counsel for the parties that in view of the settlement between the parties, the present petition deserves to be accepted. Consequently, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.23 dated 03.06.2019 under Sections 406 and 498-A IPC, 1860, registered at Police Station NRI, SAS Nagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

11.11.2021

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No