

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

214

CRM-M-34259-2020

Date of Decision:09.02.2021

NAVNEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Tarun Sharma, Advocate for the complainant.

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.88 dated 23.08.2016 registered under Sections 406, 498-A IPC, 1860, at Police Station Women PS, District Patiala, Annexure P-1, on the basis of compromise dated 03.03.2020, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner has submitted that the impugned FIR is an outcome of a marital discord. The second motion in the petition for divorce by mutual consent filed under Section 13-B of the Hindu Marriage Act, 1955, has been recorded and a decree for divorce has been granted by the Matrimonial Court on 22.12.2020. He further submits that the balance alimony of Rs.3.75 lac has been paid to complainant/respondent No.2. These facts have been admitted by the counsel representing complainant/respondent No.2.

Vide order dated 29.10.2020, 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-private respondents, the Judicial Magistrate Ist Class, Patiala, 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.88 dated 23.08.2016 registered under Sections 406, 498-A IPC, 1860, at Police Station Women PS, District Patiala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

09.02.2021
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(SUVIR SEHGAL)
JUDGE

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