

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

223+135

**CRM-M-31253-2020 (O & M)
Date of Decision:18.03.2021**

KULJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. Abdul Aziz, Advocate for

Mr. Vikas Garg, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

CRM-8528-2021

Application is allowed. Judgment dated 01.03.2021 is taken on record as Annexure A-1.

Main Case

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.10 dated 19.12.2015 registered under Sections 406 and 498-A IPC, at Police Station NRI, District Sangrur, Annexure P-1, on the basis of compromise deed dated 28.08.2020, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that the impugned FIR is a result of marital discord between the petitioner and his wife-complainant/respondent No.2. The dispute has been settled by virtue of compromise deed dated 28.08.2020, Annexure P-2, whereunder it was

agreed that the petitioner would pay a sum of Rs.11 lacs including the Istri-Dhan, life time maintenance and expenses. He has referred to the judgment dated 01.03.2021, Annexure A-1, passed by the Family Court to submit that the entire amount stands paid and the marriage between the parties stands dissolved by virtue of decree of divorce by way of mutual consent passed under Section 13-B of the Hindu Marriage Act, 1955.

Learned counsel for the complainant/respondent No.2 has admitted this development.

Vide order dated 12.11.2020, 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 Chief Judicial Magistrate, 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 challan has been presented, the accused-petitioner 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.10 dated 19.12.2015 registered under Sections 406 and 498-A IPC, at Police Station NRI, District Sangrur, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

18.03.2021

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(SUVIR SEHGAL)

JUDGE

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