

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

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CRM-M-7753-2021

Date of decision: 04.07.2022

Jaspreet Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Amarjot Kaur, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, DAG, Punjab.

Mr. Shivender Pal, Advocate for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the case FIR No.4 dated 16.01.2021, registered under Sections 406, 498-A of Indian Penal Code, 1860 (for short 'IPC') at Police Station Ajitwal, District Moga, Annexure P-1 and all subsequent proceedings arising therefrom on the basis of compromise dated 22.01.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband of Ramandeep Kaur-respondent No.3 and petitioner No.2 is her mother-in-law. She submits that marriage of petitioner No.1 was solemnized with respondent No.3 on 18.10.2019. However, due to trivial

issues, FIR, Annexure P-1 was lodged by respondent No.2, who is the father of respondent No.3. She submits that the dispute has been resolved by virtue of compromise, Annexure P-2 and petitioner No.1 and respondent No.3 are residing together at their matrimonial home. Still further, she submits that the parties have appeared before the trial Court and their statement have been recorded in support of the compromise.

Mr. Prabhjot Singh Walia, DAG, Punjab, who is representing State-respondent No.1 has sought instructions and has submitted that on the basis of the statement of the complainant, cancellation report was submitted before the trial Court but the same was not accepted and was ordered to be returned back in July, 2021 with a direction to conduct further investigation. Counsel representing the private respondents has affirmed the compromise and has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 18.02.2021, this Court directed the parties to appear before the trial Court/Duty Magistrate for recording of their statements with regard to the compromise and a report was called for from the Court concerned on the following points:-

- “i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners”*

Report has been received and its relevant extract is as under:-

“It is humbly submitted that in the considered view of this Court the compromise entered into by the parties

is genuine and matter has been amicably settled with the intervention of respectables and compromise is for the welfare of both the parties. Further, it is reported that both accused are on bail and no other proceedings is (sic are) pending against the accused persons in present case.”

It is evident that FIR is outcome of a matrimonial dispute which has been amicably resolved and the parties are staying together under one roof.

Keeping in view the report of the trial Court, as well as judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another*** (2003) 2 RCR (Criminal) 888, ***Madan Mohan Abbot Versus State of Punjab*** (2008) 4 SCC 582 and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another*** (2017) 9 SCC 641, this court has no hesitation in quashing the FIR, Annexure P-1.

Resultantly, petition is allowed. FIR No.4 dated 16.01.2021, registered under Sections 406, 498-A of IPC at Police Station Ajitwal, District Moga, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

04.07.2022
pooja saini

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