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

CRM-M-7764-2022

Date of Decision: 10.05.2022

Jagjit Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CRM-M-14932-2022

Manjot Kaur

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akshay Chadha, Advocate,
for the petitioners (in both the cases).

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Saurav Kanojia, Advocate,
for respondent No.2/Complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 482 of the Code of Criminal Procedure and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR.

CRM-M-7764-2022 has been filed by two persons, namely, Jagjit Singh and Manjit Kaur, who are the parents of the girl, namely, Manjot Kaur and CRM-M-14932-2022 has been filed by one accused, namely, Manjot Kaur separately through

special Power of Attorney.

In both the petitions, prayer is for quashing of FIR No.65, dated 25.06.2019, registered under Sections 420, 406 & 120-B of the IPC at Police Station Sadar Raikot, Ludhiana Rural with all subsequent proceedings arising therefrom on the basis of compromise dated 31.01.2022 (Annexure P-2) arrived at between the parties.

As per the allegations contained in the FIR, which was registered at the behest of the complainant/respondent No.2, namely, Kuljit Singh that he was lured by his wife Manjot Kaur, her parents and her brother that he will be called to Canada for the purpose of settling there but after the marriage was performed, they resiled from the aforesaid promise and they stopped picking up the calls and the complainant had spent huge amount of money on the marriage and also incurred expenses for sending Manjot Kaur abroad and therefore, fraud has been committed by the accused persons.

Learned counsel for the petitioners has further submitted that it was basically a matrimonial dispute between the parties and after the marriage the relations turned sour, and thereafter, with the intervention of the respectables of the family, the matter was amicably settled between the parties vide Annexure P-2. He also submitted that a petition for divorce on the basis of mutual consent under Section 13-B of the Hindu Marriage Act has also been filed, which is pending. He further submitted that since it was essentially a matrimonial dispute and at the most a financial dispute and the same has been amicably settled between the parties and it does not fall in the category of serious and heinous offence and therefore, in order to secure the ends of justice, the FIR can be quashed based upon the compromise. He also submitted that in pursuance of the order passed by this Court on 23.02.2022 in CRM-M-7764-2022 and on 18.04.2022 in CRM-M-14932-2022, the parties have got recorded the statements before the learned trial Court/Illaqa Magistrate concerned with regard to the genuineness and voluntariness of the compromise.

Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has stated that it is correct that the basic dispute between the parties was matrimonial dispute and at the most it was financial dispute. He further submitted that one of the co-accused, namely, Ravinder Singh @ Vicky, who is the brother of the Manjot Kaur although was a party to the compromise but he has not filed any petition for quashing.

Mr. Saurav Kanoji, Advocate has caused appearance on behalf of the complainant and has stated that it is correct that the matter has been resolved between the parties in an amicable manner and the subject matter of the case was only a matrimonial dispute between the parties and he has no objection in case the FIR is quashed *qua* the petitioners based upon the compromise.

I have heard the learned counsel for the parties.

This Court vide order dated 23.02.2022 in CRM-M-7764-2022 and 18.04.2022 in CRM-M-14932-2022 had directed the parties to appear before the learned trial Court/Illaq Magistrate for recording of the statements. Two different reports have been received from the learned JMIC, Jagraon. In CRM-M-7764-2022, it has been reported by the learned JMIC, Jagraon that statement of complainant/respondent No.2-Kuljit Singh was recorded and as per his statement, he has compromised the matter with the petitioners i.e. Jagjit Singh and Manjit Kaur and the same was genuine and voluntary and without any coercion or undue influence. Separate joint statements of the petitioners, namely, Jagjit Singh and Manjit Kaur have also been recorded regarding the compromise and that they are not proclaimed offender in this case. So far as the other co-accused, namely, Manjot Kaur and Ravinder Singh @ Vicky are concerned, their statements have not been recorded as they have not been arrested yet. In this way, there are total four persons and in the report dated 08.03.2022, the statements of two persons, namely, Jagjit Singh and Manjit Kaur have been recorded and it has been reported by the learned JMIC, Jagraon that the compromise appears to be genuine, voluntary and without any

coercion or undue influence. In CRM-M-14932-2022, which was filed by Manjot Kaur, separate directions were issued by this Court for getting the statements recorded and in pursuance thereof, one of the accused, namely, Manjot Kaur also got her statement recorded. A report in this regard was also received from the learned JMIC, Jagraon dated 29.04.2022, wherein it has been stated that a separate statement of the petitioner-Manjot Kaur was recorded regarding the compromise and a separate statement of S.I. Gulab Singh was also recorded, who stated that there is no proceedings pending against the petitioner-Manjot Kaur. The learned JMIC, Jagraon has further reported that as per the statements of the parties, the compromise appears to be genuine and voluntary and without any coercion or undue influence. In this way, the statement of the fourth accused, namely, Ravinder Singh @ Vicky has not yet been recorded. The present two petitions are also pertaining to only three accused, namely, Jagjit Singh, Manjit Kaur and Manjot Kaur.

A perusal of the statement of the complainant/respondent No.2 Kuljit Singh would show that he had stated before the learned JMIC, Jagraon that he has compromised the matter with all the accused and the said compromise was genuine and voluntary and without any coercion or undue influence. A perusal of the compromise would also show that in the compromise Ravinder Singh @ Vicky, who is the only accused, who is left, is also a party to the compromise.

Learned counsel for the petitioners has stated that the aforesaid Ravinder Singh @ Vicky is settled abroad and he is the brother of Manjot Kaur and since the main dispute itself has been resolved between the husband and wife, there is no bar for quashing the FIR based upon the compromise *qua* the present three accused. Learned counsel for the petitioners has relied upon the judgments passed by the Hon'ble Supreme Court in *Criminal Appeal No.670 of 2017* titled as “Lovely Salhotra and another Vs. State (NCT of Delhi) and another” and in *Criminal Appeal No.1040 of 2012* titled as “Jayrajsinh Digvijaysinh Rana Vs. State of

Gujarat", decided on 20.07.2012".

The law with regard to the quashing of the FIR based upon the compromise is well settled. Since the case does not fall in the category of serious and heinous offence or effecting large section of society then in the facts and circumstances of each and every case, the High Court can exercise the jurisdiction under Section 482 of the Code of Criminal Procedure for quashing an FIR based upon the compromise.

The Hon'ble Supreme Court in "State of Madhya Pradesh Vs. Laxmi Narayan and others", 2019(2) SCC (Crl.) 706 and also in "Gian Singh Vs. State of Punjab and another", 2013(1) SCC (Crl.) 160 and Full Bench of this Court in "Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052," has laid down that when the subject matter pertains to the financial dispute *inter se* between the parties or when it is a case of matrimonial dispute then in the given facts and circumstances if the matter has been settled between the parties then the same can be quashed based upon the compromise.

In the present case, the subject matter is with regard to both matrimonial as well as the financial dispute. The accused Manjot Kaur and the complainant-Kuljit Singh have already entered into a compromise and also filed a petition for divorce on the basis of mutual consent under Section 13-B of the Hindu Marriage Act, which is still pending. The fourth accused, who has not filed the petition is stated to be settled in Canada. In view of the aforesaid judgments cited by the learned counsel for the petitioners, non-filing of the petition by the fourth accused will not operate as a bar for quashing of the FIR in the peculiar facts and circumstances of the present case *qua* the present petitioners. The subject matter of this case does not fall in the category of serious and heinous offence, therefore, in view of the aforesaid totality of the circumstances, this Court is of the view that the present FIR is liable to be quashed based upon the compromise.

Consequently, both the petitions are allowed and FIR No.65, dated 25.06.2019, registered under Sections 420, 406 & 120-B of the IPC at Police Station Sadar Raikot, Ludhiana Rural (Annexure P-1) with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioners.

10.05.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes |