

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

(Sr. No. 256)

**CRM-M No. 43747 of 2020
Date of decision : 04.07.2022**

Kawabir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. P.B.S. Goraya, Advocate for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.
Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.123 dated 22.10.2019 registered under Sections 498-A and 406 IPC at Police Station Dhariwal, district Gurdaspur, on the basis of a written compromise (Annexure P-2).

On 23.12.2020, this Court had issued notice of motion and in the meanwhile, directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the compromise/settlement between them. In turn the Illaqa Magistrate/Trial Court was directed to send a report. In terms of the aforesaid order report dated 09.03.2021/13.05.2021 by the Chief Judicial Magistrate, Gurdaspur has been received as per which the complainant had stated that since the entire amount as per the compromise has not been paid to her she does not admit to the compromise.

Today, when the present petition came up for hearing before this Court, learned counsel appearing for the petitioner submits that the agreed amount, in entirety, has been paid by the petitioner to the complainant and that on the basis of the settlement between the petitioner and the complainant they have been granted divorce by way of mutual consent.

Learned counsel appearing for respondent No.2 admits to the above averments.

In the light of the afore admitted position where the matrimonial dispute between the petitioner and the complainant admittedly stands resolved and a statement has been made on behalf of learned counsel appearing for the complainant before this Court that his client has no objection if the impugned FIR is quashed, this Court is of the opinion that continuation of the proceedings in pursuance to the impugned FIR got lodged by the complainant against the petitioner is not desirable and since the same originates from a matrimonial dispute and does not pertain to heinous offence, in terms of the law laid down by the Supreme Court in ***Narinder Singh & Ors. Vs. State of Punjab & Anr. (2014) 6 SCC 466***, this Court deems it just and proper to allow the petition and resultantly quash FIR No. 123 dated 22.10.2019 registered under Sections 498-A and 406 IPC at Police Station Dhariwal, district Gurdaspur and all proceedings arising therefrom qua the petitioner.

04.07.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No