

206

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46443-2021 (O&M)
Date of Decision: 06.08.2022

Charanpreet Kaur through her attorney holder Ravinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Satinder Kaur, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Ms. Nisha Rana, Advocate for
Mr. G.K. Kang, Advocate,
for respondent Nos.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure with a prayer for quashing of the FIR No.5, dated 17.07.2021, under Section 420 IPC, registered at Police Station NRI, District Patiala (Annexure P-1) on the basis of compromise dated 01.10.2021 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner has submitted that the petitioner has filed the present petition through a Power of Attorney, namely, Ravinder Kaur, who is the mother of the petitioner-Charanpreet Kaur, since the petitioner is residing in Canada.

Learned counsel for the petitioner has further submitted that there was a dispute between the petitioner and her husband, namely, Sukhvinder Singh-

Respondent No.2 and due to the matrimonial dispute between the parties, the

present FIR was lodged under Section 420 IPC by Manjeet Singh-respondent No.3, who is the father of respondent No.2. She also submitted that the present FIR was an outcome of the matrimonial dispute and now the entire dispute has been settled between the parties and even the petition under Section 13-B of the Hindu Marriage Act has also been filed which is pending before the Court at Patiala. She further submitted that in pursuance of the orders passed by this Court on 21.02.2022, the statements of the parties have since been recorded before the learned Illaqa Magistrate/trial Court, in which, all the parties have given the statements that the compromise has been effected and it is without any fear, pressure or coercion. She also submitted that since the dispute has been settled and it does not fall in the category of some heinous or serious offence, no useful purpose will be served in case any further proceedings are carried on, and therefore, it will be in the interest of justice that the present FIR may be quashed based upon compromise.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has stated that it is correct that the matter has been settled between the parties and they have got recorded the statements before the learned Illaqa Magistrate/trial Court.

Ms. Nisha Rana, Advocate for Mr. G.K. Kang, Advocate, has caused appearance on behalf of respondent Nos.2 & 3 and has stated that the statements of the parties have been recorded before the learned Illaqa Magistrate/trial Court and she has no objection in case the FIR is quashed, since the matter is amicably settled between the parties.

I have heard the learned counsels for the parties.

This Court vide order dated 21.02.2022 had directed the parties to

appear before the learned Illaqa Magistrate/trial Court for recording of statements. A report dated 21.04.2022 has been received from the learned JMIC, Patiala, in which, it has been stated that one Ravinder Kaur wife of Gurinder Singh has appeared as an attorney holder of the petitioner-Charanpreet Kaur and has got recorded her statement in the present case and has also provided her Power of Attorney. Similarly, the complainant, who are respondent Nos.2 & 3, have also got recorded their joint statements by stating that they have compromised the matter and it is without any pressure, fear or coercion and it is with their free consent and will. The statement of S.I. Harjit Singh has also been recorded. In the report, it has been stated by learned Illaqa Magistrate that the parties have voluntarily entered into a genuine compromise and it is without any coercion or undue influence and no proclamation proceedings were initiated against the accused/petitioner.

The law with regard to the quashing of the FIR based upon the compromise is now well-settled. 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 judgment of this Court in “*Kulwinder Singh and others Vs. State of Punjab* 2007 (3) R.C.R. (Criminal) 1052,” held that in such like cases which involve financial matter or matrimonial dispute, in order to secure the ends of justice and to prevent the abuse of the process of law, an FIR can be quashed based upon the compromise.

The subject matter of present case also pertains to matrimonial dispute as well as some financial dispute as alleged in the present FIR but it does not fall in the category of serious or heinous offence. As per the report of

the learned Magistrate, the compromise effected between the parties was genuine and voluntary and without any coercion or undue influence. Therefore, in view of the aforesaid judgments of the Hon'ble Supreme Court as well as Full Bench judgment of this Court, this Court is of the view that no useful purpose will be served in case the further proceedings are carried on and in order to secure the ends of justice, it will be just and proper to quash the FIR based upon the compromise.

Consequently, the present petition is allowed. FIR No.5, dated 17.07.2021, under Section 420 IPC, registered at Police Station NRI, District Patiala, with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioner.

06.08.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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