

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

219+126

CRM-M-48690-2021 (O & M)

Date of decision:23.02.2022

Kamaljit Singh and others

... Petitioners

Vs.

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Sodhi, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-6602-2022

For the reasons given in the application, it is allowed.

Copy of judgment dated 09.12.2021 passed under Section 13-B
of the Hindu Marriage Act, 1955, is taken on record as Annexure P-5.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.32 dated 13.04.2021 under Sections 406/498-A of IPC,
1860, registered at Police Station Women Cell, Amritsar, Annexure P-1,
along with all consequential proceedings arising therefrom, on the basis
of compromise, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the
husband of the complainant/respondent No.2 and petitioners No.2 and 3 are
her in-laws. He submits that the marriage of petitioner No.1 was solemnized
with complainant/respondent No.2 on 08.12.2019 and there was no issue

out of the wedlock. He submits that the parties could not adjust with each other due to temperamental differences and started living separately from 27.01.2020. He submits that marriage between the parties has been dissolved by virtue of judgment dated 09.12.2021, Annexure P-5. Still further, he submits that the petitioners have not been declared as Proclaimed Offender.

Counsel representing respondent No.2 has admitted the factum of compromise as well as the statement made by counsel for the petitioners.

Counsel for the parties have been heard.

Vide order dated 09.12.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded with regard to the genuineness and authenticity of the compromise and a report was called for, on the following counts:-

- “1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.”*

Report has been received from the Trial Court in compliance of the said order and the relevant extract thereof is reproduced hereunder:-

“3. Statement of investigating officer ASI/IO Inderjit Singh 352/ASR, PS Women Cell II, Amritsar has also been recorded to the effect that FIR was registered by Lovepreet Kaur against accused Kamaljit Singh, Pritam Singh and Balwinder Kaur and there are three accused persons namely Kamaljit Singh, Pritam Singh and Balwinder Kaur are involved in present FIR or occurrence. He further stated that except these accused no other accused is involved in present FIR and that no person has been declared as proclaimed person in the present FIR. He also submitted that challan in the present case against aforesaid accused persons has not been presented till date and except present FIR, accused persons are not involved in any other case.

4. From the statement of complainant Lovepreet Kaur and Kamaljit Singh, Pritam Singh and Balwinder Kaur so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.”

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. A 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 has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

In **Ramgopal and another Versus The State of Madhya Pradesh** 2021 SCC Online 834, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that the FIR is an outcome of a marital discord between the parties, which has been amicably settled and the marriage between the parties has been dissolved, this Court is of the opinion that the quashing of the FIR would enable the parties to lead a peaceful life.

Counsel for the parties are also ad idem that in view of the settlement between the parties, the present petition deserves to be accepted. Therefore, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.32 dated 13.04.2021 under Sections 406/498-A of IPC, 1860, registered at Police Station Women Cell, Amritsar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

23.02.2022
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(SUVIR SEHGAL)
JUDGE

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