

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.282

CRM-M-6050-2023 (O&M)
Date of decision : 22.11.2023

Gurdeep Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. I.S. Kooner, Advocate, for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab

Ms. Shruti Sharma, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.23 dated 20.02.2020, under Sections 406 & 498-A IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib, on the basis of compromise deed dated 11.11.2022 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Gurdeep Singh-petitioner and Gagandeep Kaur-respondent No.2 was solemnized on 02.03.2018. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioner at the instance of Gagandeep Kaur-respondent No.2. However, with the intervention of the respectable and relatives, they have finally settled their matrimonial dispute and compromise deed dated 11.11.2022 (Annexure P-2) has been executed between the parties which

has been duly signed by all the parties. Petitioner and respondent

No.2 have filed a joint petition by way of mutual consent for divorce under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-3), in pursuance to the said compromise. The statements of the parties have been recorded for the first motion on 02.05.2022, on the basis of compromise (Annexure P-2). Respondent No.2-Gagandeep Kaur does not want to take any legal action against the petitioner in the said FIR. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 06.02.2023, the following order was passed:-

The petitioner has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 23 dated 20.02.2020, under Sections 406 and 498-A of IPC, registered at Police Station Bassi, Pathana, District Fatehgarh Sahib and further consequential proceedings arising out of the same qua the petitioner, on the basis of compromise dated 11.11.2022 (Annexure P-2).

Notice of motion.

On the asking of this Court, Ms. Ambika Sood, Additional A.G. Haryana accepts notice on behalf of the State. Learned counsel for the petitioner is directed to supply her a complete copy of the paperbook.

Ms. Shruti Sharma, Advocate has filed power of attorney on behalf of respondent no. 2, which is taken on record.

Let the statement of the parties concerned be recorded with regard to the compromise on 10.04.2023 before the learned Illaqa/Duty Magistrate, concerned or on any early date convenient to the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offenders or any such proceedings have been initiated or pending against them.

2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner in any other FIR.

4. Status of the trial pending before the Court.

To await the report, list again on 26.04.2023.

Status report be filed by respondent-State by the adjourned date.”

4. The report dated 20.03.2023 of the Chief Judicial Magistrate, Fatehgarh Sahib through the District & Sessions Judge, Fatehgarh Sahib, has been received. As per said report, the statement of the complainant-Gagandeep Kaur, statement of petitioner-Gurdeep Singh and statement of ASI-Jaswinder Singh have been recorded. Copies of their statements have been duly annexed with the report. As per the said report, the compromise is genuine, voluntarily and without any coercion between the parties. No other criminal case is pending against the petitioner and there is no other victim in the present FIR except the complainant-Gagandeep Kaur whose statement was recorded by the Magistrate.

5. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding

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where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

6. Since, it was a matrimonial dispute which has been settled between the parties by way of resolving their differences and even as per the terms and conditions of the compromise, they have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage. So in the interest of justice, it is a fit case for quashing of the FIR.

7. Consequently, the present petition is allowed and FIR No.23 dated 20.02.2020, under Sections 406 & 498-A IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22.11.2023

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No