

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.269

CRM-M-7557-2023 (O&M)
Date of decision : 07.12.2023

Amandeep

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Akbarjit Singh, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. A.K. Spehia, 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.0081 dated 06.12.2020, under Sections 498-A & 406 IPC, registered at Police Station Women, Police Commissionerate Jalandhar, on the basis of compromise deed dated 12.12.2022 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Amandeep-petitioner and Amanjyoti -respondent No.2 was solemnized on 19.04.2014. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioner at the instance of respondent No.2. Both the parties are not living together since 12.11.2018. However, with the intervention of the respectable and relatives, they have finally settled their matrimonial dispute and compromise deed dated 12.12.2022 (Annexure P-2) has been executed between the parties which have been duly signed by all the

parties. The petitioner and respondent No.2 have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, with mutual consent for divorce, in pursuance to the said compromise. The statements of the parties have been recorded for the first motion on the basis of compromise (Annexure P-2). Respondent No.2 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 13.02.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

4. The report dated 01.03.2023 of the Judicial Magistrate, Ist Class, Jalandhar through the District & Sessions Judge, Jalandhar, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:-

“ ASI Palwinder Singh No.3359/Jal posted at PS Women Cell, Jalandhar suffered statement that as per record the name of the complainant of the present case is Amanjyoti and except her there is no other complainant in this FIR. The name of the accused person is Amandeep. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels. As per record the

name of the complainant of the present case is Amanjyoti and except her there is no other complainant in this FIR. The name of the accused person is Amandeep. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for evidence of the prosecution.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

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 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 now been settled between the parties and they want to peacefully part ways. As per the terms and conditions of the compromise, they have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage. Continuing with the proceedings in the

present FIR would not be in the interest of the parties. As such, it is a fit case to exercise jurisdiction under section 482 of the Code by quashing of the FIR, which is in the interest of justice.

7. Consequently, the present petition is allowed and FIR No.0081 dated 06.12.2020, under Sections 498-A & 406 IPC, registered at Police Station Women, Police Commissionerate Jalandhar, on the basis of compromise deed dated 12.12.2022 (Annexure P-2) 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

07.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No