

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.271

CRM-M-8697-2023 (O&M)
Date of decision : 07.12.2023

Palwinder Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Menka Gupta, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Rahul Sidhar, 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.93 dated 09.12.2022, under Sections 406 & 498-A IPC, registered at Police Station Mulepur, District Fatehgarh Sahib, Punjab on the basis of compromise deed dated 11.02.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Palwinder Singh-petitioner and Manpreet Kaur-respondent No.2 was solemnized on 18.03.2017 and after marriage, their son namely Navraj Singh was born who is presently about four years old. Due to some misunderstanding between the parties, the present FIR was got registered against the petitioner at the instance of respondent No.2. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 11.02.2023 (Annexure P-2) has been executed between the parties

which have been duly signed by all the parties. Now, there are no differences between the parties and they are residing together happily along with their minor son. As such, prayer is made to quash the said FIR along with all consequent proceedings.

3. On 17.02.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 24.04.2023 of the Judicial Magistrate, Ist Class, Fatehgarh Sahib through the District & Sessions Judge, Fatehgarh Sahib, has been received. As per said report, the compromise is genuine. There is no history of criminal cases against the parties. The relevant portion of the said report reads as under:-

“As per statement of complainant Manpreet Kaur, the matter has been compromised amicably with accused named above without any threat, pressure or coercion with the intervention of respectable. She further stated that she has no objection if FIR No.93 dated 09.12.2022 under Sections 406 and 498A of the IPC, Police Station Mulepur, District Fatehgarh Sahib, be quashed. Accused Palwinder Singh has also got recorded his statement that the matter has been compromised amicably in the said FIR with complainant Manpreet Kaur, without any threat, pressure or coercion with the intervention of respectable. Copies of identity cards of the parties been taken on record as Mark A and Mark B.

It is further submitted that as per statement made by ASI Prithvi Raj Singh, the Investigating Officer of the present case, there is no other accused or complainant except the parties to the compromise in the present case.

No accused has been declared as a proclaimed offender in the present FIR and there is no other criminal case pending against the accused named above.

It is further submitted that from the above said statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner.”

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 been settled between the parties by way of resolving their differences and even as per the terms and conditions of the compromise, they have settled all their differences and now they want to live/settle peacefully with other. Continuing with the proceedings in the present FIR would not be in the interest of the parties. As such, it is a fit case for quashing of the FIR in the interest of justice.

7. Consequently, the present petition is allowed and FIR No.93 dated 09.12.2022, under Sections 406 & 498-A IPC, registered at Police Station Mulepur, District Fatehgarh Sahib, on the basis of compromise

deed dated 11.02.2023 (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