

277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20752-2023

Date of Decision:- 28.11.2023

SUNIL KUMAR AND ANR.

.....Petitioners

Verses

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. S. K. Liberhan, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G. Punjab.

HARPREET KAUR JEEWAN, J.(Oral)

[1] The present petition has been filed under Section 482 Cr.P.C. for of FIR No. 91 dated 09.06.2021 registered at Police Station Mahilpur, District Hoshiarpur under Sections 406, 498-A, IPC, 1860 on the basis of compromise dated 07.02.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioner that petitioner No.1-Sunil Kumar and respondent No.2-Harpreet Kaur were married to each other on 14.07.2020. Due to matrimonial dispute, the present FIR was registered. Now the parties have decided to dissolve their marriage by way of filing a joint petition under Section 13-B of Hindu Marriage Act. Copy of the petition has been produced in the Court, today and the same is taken on record. It was further contended that parties have further decided not to proceed with the FIR in question. The compromise deed dated 07.02.2023 (Annexure P-2) has been executed between the parties as they wanted to live in peace.

On 26.04.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“The petitioners have filed the present petition seeking quashing of FIR No.91 dated 09.06.2021 under Sections 406/498-A of the Indian Penal Code, 1860 registered at Police Station Mahilpur, District Hoshiarpur, and all other proceedings arising therefrom on the basis of the compromise dated 07.02.2023 (Annexure P-2). Notice of motion.

On the asking of Court, Mr.Arun Gupta, AAG Punjab, accepts notice on behalf of respondent No.1. Mr.Sumit Ahuja, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama, which is taken on record. .

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 20.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 22.05.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

[3] As per the report dated 17.06.2023, Court of Mr. Jagmeet Singh Civil Judge (Junior Division), Garhshankar, the petitioner No.1-Sunil Kumar and petitioner No.2-Nirmal Kaur are the accused persons in the present FIR. None of accused has been declared as Proclaimed Offender in this case. The statement of the parties were recorded and he has submitted that the compromise is genuine and voluntarily without any force or undue influence. No other person is involved in the present FIR. There is only one victim/complainant and she is supported to the compromise.

[4] Hon'ble the 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.

[5] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to live in peace, as such further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[6] Consequently, this petition is allowed and FIR No. 91 dated 09.06.2021 registered at Police Station Mahilpur, District Hoshiarpur under Sections 406, 498-A, IPC, 1860 and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[7] Pending miscellaneous application (s), if any, shall also stand disposed of.

28.11.2023
neelam

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No