

CRM-M-22673-2023

2023:PHHC:078198
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247 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22673-2023
DATE OF DECISION:-29.05.2023

Sonia Gupta and others

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harshit Jain, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Yadwinder Singh, Advocate
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.164 dated 19.08.2022, under Sections 323, 341, 452, 506, 380 and 148 IPC, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 24.04.2023 (Annexure P-2).

2. Present FIR is an offshoot of matrimonial dispute between petitioner No.1-wife and respondent No.2-complainant-husband, who have now agreed to part their ways.

3. In pursuance to order dated 05.05.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of compromise arrived at

between them, a report dated 17.05.2023 has been received from the concerned court, stating that the compromise between the parties is genuine and the same has been entered into voluntarily, without any pressure and out of their free will. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.164 dated 19.08.2022, under Sections 323, 341, 452, 506, 380 and 148 IPC, registered at Police Station

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Sadar Ludhiana, District Police Commissionerate Ludhiana (Annexure P-1)
as well as all the subsequent proceedings arising therefrom are hereby
quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs
of Rs.15,000/- to be deposited with Punjab and Haryana High Court Bar
Association, within a period of two weeks from today.

29.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No