

CRM-M-26957-2023 (O&M)

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2023:PHHC:150218

121+251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26957-2023 (O&M)

Date of Decision: 24.11.2023

VARINDER SINGH

...Petitioner

Versus

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Navjot Kaur, Advocate for
Mr. D.S. Nigha, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. PP UT Chandigarh.

Mr. Yogesh Jangra, Advocate for
Mr. Sandeep K. Sharma, Advocate for respondent No.2

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-49489-2023

Prayer in the instant application is for placing on record the copy of the judgment and decree-sheet dated 18.09.2023 passed by Principal Judge, Family Court, SAS Nagar, Mohali as Annexure P-5.

For the reasons mentioned in the application, same is allowed. Copy of the judgment and decree-sheet dated 18.09.2023 is taken on record as Annexure P-5, subject to just exceptions.

CRM-M-26957-2023

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.14 dated 03.01.2019, under Sections 406 and 498-A IPC, registered at Police Station

Women Cell, Sector 17 Chandigarh, on the basis of a compromise dated 21.02.2023/03.03.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner *inter alia* contends that the present FIR against petitioner was registered on account of a family dispute between the parties, which has been settled by them and a compromise dated 21.02.2023/03.03.2023 (Annexure P-2) has been duly signed by the petitioner and respondent No.2-Balwinder Kaur. On the basis of the said compromise, petitioner-Varinder Singh and respondent No.2-Balwinder Kaur have decided to get mutual divorce under Section 13-B of the Hindu Marriage Act. Respondent No.2 does not want to take any action against the petitioner in the present FIR. As such, prayer is made to quash the present FIR along with all consequent proceedings.

3. On 26.05.2023, the following order was passed:-

“Prayer in the present petition under Section 482 Cr.P.C. for quashing of FIR in question and all other consequential proceedings arising therefrom, on the basis of compromise, arrived at between the parties.

Notice of motion.

Mr. Anil Kumar Lamdaria, Addl. P.P., U.T., Chandigarh, accepts notice on behalf of respondent No.1-State and seeks time to file reply, if any.

Let the parties to appear before the trial Court/Area Magistrate, as the case may be, on 10.07.2023 or any other date convenient to the parties, but not later than one week thereafter, for getting their statements recorded with regard to the compromise. Trial Court is directed to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.

Report be sent through District and Sessions Judge before the next date of hearing.

Adjourned to 06.09.2023”

4. Subsequently, on 06.09.2023, this Court had passed the

following order:-

“Mr. Sandeep K. Sharma, Advocate has put in appearance on behalf of respondent No.2 and filed his Power of Attorney, the same is taken on record.

Vide order dated 26.05.2023, the parties were directed to appear before the trial Court/Area Magistrate on 10.07.2023 for recording their statements. However, the parties could not appear before the trial Court/Area Magistrate on the said date.

Learned counsel for the parties prays that one more opportunity may be granted to the parties for recording their statements with regard to the compromise effected between them. Permitted to do so.

The parties are again directed to appear before the concerned trial Court/Area Magistrate on 27.09.2023, for recording their statements qua genuineness of compromise in terms of order dated 26.05.2023. The trial Court/Area Magistrate, shall send his/her report in terms of previous order dated 26.05.2023 through the learned District and Sessions Judge, concerned on or before the date fixed i.e. 24.11.2023.”

5. The report dated 05.10.2023 of the Judicial Magistrate, 1st Class, Chandigarh through the District & Sessions Judge, Chandigarh, has been received along with the statement of respondent No. 2-Balwinder Kaur (the complainant) and petitioner-Varinder Singh, which were recorded by Mr. Ajay, Judicial Magistrate, 1st Class, Chandigarh. As per the said report, the compromise between the parties is genuine, voluntarily and without any coercion.

6. Learned State counsel confirms the fact that the FIR was registered against only one person, who is the petitioner in the present petition and no other person is accused in the present FIR.

7. 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.

8. Since, it was a matrimonial dispute which has been settled between the parties by way of resolving their differences and this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

9. Consequently, the present petition is allowed and FIR No.14 dated 03.01.2019, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Sector 17 Chandigarh, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

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

(HARPREET KAUR JEEWAN)
JUDGE

24.11.2023

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No