

CRM-M-30690-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-30690-2022

Date of decision : 24.05.2023

Kamaljeet Singh and Anr.

..... Petitioners

Versus

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. C.L. Verma, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG Punjab.

Ms. Monika Jangra, Advocate
for respondent No. 2.

AMARJOT BHATTI J. (ORAL)

The petitioners – Kamaljeet Singh and Gurmail Kaur have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No. 216 dated 24.12.2019 registered under Section 420, 498-A of I.P.C. at Police Station Punjab Agriculture University (PAU) Ludhiana, District Ludhiana and all subsequent proceedings arising thereof on the basis of Panchayati Compromise dated 25.11.2021 and affidavit executed by the respondent No. 2 dated 25.11.2021 (Annexure P-2 and P-3 respectively).

The facts of the case are that Amandeep Kaur – complainant filed written complaint against her husband and in-laws family alleging that marriage of Amandeep Kaur and Kamaljeet Singh took place on 06.11.2015 at Gurudwara Sahib Balloke. After marriage, the dispute started between husband and wife and

she came to her parental house after three months. During this period, it was revealed that parents of Kamaljeet Singh namely Surindervir Singh and Gurmail Kaur hatched a conspiracy in order to secure acquittal of Kamaljeet Singh and performed his marriage with Amandeep Kaur on the basis of affidavit and compromise. The terms and conditions of affidavit were never fulfilled. After marriage, she was harassed and turned out of the matrimonial home. After investigation, present case has been registered.

The petitioners have filed this petition for the quashing of aforesaid FIR on the basis of compromise and affidavit executed by respondent No. 2 dated 25.11.2021, Annexure P-2 and P-3 respectively. The petitioners and respondent No. 2 were directed to appear before the Illaqa/ Duty Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the Court of Judicial Magistrate Ist Class, Ludhiana dated 16.05.2023. Separate statement of respondent No. 2 has been recorded, where she confirmed the compromise with the petitioners. She submitted that she is having no objection if the FIR against Kamaljeet Singh and Gurmail Kaur is quashed.

The petitioners also confirmed this fact in their separate statement. The statement of ASI Satnam Singh, No. 2372/Ldh. P.P Kichlu Nagar, P.S. PAU, Ludhiana is also recorded who further confirmed that the accused have not been declared proclaimed offender in the present case nor any such proceeding is pending against them. He further submitted that there is one case bearing FIR No. 73 dated 15.07.2015 under Section 376 of IPC, P.S. Haibowal, Ludhiana is registered against Kamaljeet Singh, in which he has been acquitted of the charge framed against him vide Judgment dated 29.01.2016.

Therefore, from the report of Judicial Magistrate Ist Class, Ludhiana, it is clear that the compromise has been effected between the parties is genuine, voluntary, without any coercion or undue influence, which is acceptable to both the parties. Further, as per the statement of ASI Satnam Singh, No. 2372/Ldh. P.P Kichlu Nagar, P.S. PAU, Ludhiana, one case bearing FIR No. 73 dated 15.07.2015 is registered against petitioner No. 1 Kamaljeet Singh at Police Station Haibowal, Ludhiana. However, he is acquitted in the aforesaid FIR vide judgment of acquittal dated 29.01.2016 passed by learned Additional Sessions Judge, Ludhiana, which is Annexure P-5. The parties have mutually settled all their matrimonial disputes. They have also filed joint petition under Section 13-B of the Hindu Marriage Act, 1955 in which decree of divorce has been granted on 31.05.2022. Now they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

Therefore, considering these facts, the petition filed by the petitioners – Kamaljeet Singh and Gurmail Kaur is accepted and FIR No. 216 dated 24.12.2019 registered under Section 420, 498-A of I.P.C. at Police Station Punjab Agriculture University (PAU) Ludhiana, District Ludhiana and all the subsequent proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

24.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No