

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

Sr. No.264

CRM-M-30445-2020 (O&M)

Date of decision : 18.12.2023

Manpreet Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.B.S. Gill, Advocate, for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab

Mr. Abhinav Singla, 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.27 dated 03.07.2019, under Section 498-A IPC, registered at Police Station NRI, District SAS Nagar, Mohali, on the basis of compromise/statements dated 25.02.2020 (Annexures P-2 & P-2/a) of the parties recorded before Addl. District Judge, SAS Nagar, Mohali in petition filed under Section 13-B of the Hindu Marriage Act, 1955.

2. Learned counsel for the petitioner has submitted that the marriage between petitioner and complainant/respondent No.2 was solemnized on 22.11.2012. There was a matrimonial dispute between the parties due to which 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. The petitioner and respondent No.2 have filed a joint petition for

Act, 1955 and that the matrimonial dispute has been settled as is reflected from the statement of the parties Annexures P-2 and P-2/A recorded before the Addl. District Judge, SAS Nagar, Mohali. The entire permanent alimony of Rs.3.50 lacs has been paid to the complainant-respondent No.2 and the marriage has been dissolved by virtue of decree of divorce dated 28.01.2021. Respondent No.2 does not want to take any legal action against the petitioner in the said FIR. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 25.03.2022, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The reports dated 27.02.2023 and 31.05.2022 of the Judicial Magistrate Ist Class, SAS Nagar through the District & Sessions Judge, SAS Nagar, Mohali, have been received. The statement of the complainant and statement of the accused-petitioner (who appeared through his special power of attorney-Smt. Kulwinder Kaur) have been recorded. The compromise is genuine and without any pressure. There is no history of criminal cases against the parties as per the said report. No accused has been declared as proclaimed offender in this case.

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

divorce dated 28.01.2021 has been passed by Addl. District Judge, SAS Nagar, Mohali. A copy of the said judgment is already on record. 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.27 dated 03.07.2019, under Section 498-A IPC, registered at Police Station NRI, District SAS Nagar, Mohali, 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

18.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No