

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

Sr. No.274

CRM-M-32712-2023 (O&M)

Date of decision : 14.12.2023

Arwinder Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Dhawan, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Harsimranjit Singh, Advocate for

Mr. Abhimanyu Vinayak, 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.29 dated 11.03.2023, under Sections 406 & 498-A IPC, registered at Police Station Women Cell, Police Commissionerate, Jalandhar, on the basis of compromise (Annexures P-2 & P-4) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between petitioner and complainant/respondent No.2 was solemnized on 27.05.2022. 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 in terms of compromise (Annexures P-2) executed between the parties which has been duly signed by all the parties. The petitioner and respondent No.2 have filed a joint petition for divorce by way of mutual consent under

Section 13-B of the Hindu Marriage Act, 1955, in pursuance to the said compromise. The statements of the parties have been recorded for the first motion on the basis of compromise. 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 31.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 22.11.2023 of the Judicial Magistrate Ist Class, Jalandhar through the District & Sessions Judge, Jalandhar, has been received. The statement of the complainant, statement of the accused-petitioner and statement of SI-Kuldip Singh 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 between the parties and they want to peacefully part ways. As per the terms and conditions of the compromise, they have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage. 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.29 dated 11.03.2023, under Sections 406 & 498-A IPC, registered at Police Station Women Cell, Police Commissionerate, Jalandhar, 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

14.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No