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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35573-2023 (O&M)

Date of Decision: 20.12.2023

HARMAN SINGH REKHI AND OTHERS

.....PETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.P.S Shergill, Advocate,
for the petitioners.

Mr. G.S. Sandhu, D.A.G., Punjab.

Mr. Simranjot Singh Nagra, Advocate,
for respondents No. 2 and 3.

HARPREET KAUR JEEWAN J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 0012 dated 14.05.2022, registered at Police Station NRI, District Police Commissionerate, Ludhiana, under Sections 406 and 498-A IPC, on the basis of compromise dated 04.05.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioners that the present FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioners and respondent No. 3 and now, with the intervention of the respectables, the same stands settled. Petitioner No. 1-Harman Singh Rekhi (husband) and respondent No. 3-Kusum (wife)

have agreed to file a divorce petition by way of mutual consent under Section 13-B of the Hindu Marriage Act. The said petition has been filed by the parties and the same is pending before the Family Court, Ludhiana. He also submits that as per the terms of the compromise, both the parties shall remain bound to make statements of second motion for dissolution of the marriage with consent.

[3] On 20.09.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[4] The report dated 25.10.2023 of the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:-

“Prem Kumar being complainant (attorney holder of his daughter Kusum) duly identified by the counsel, suffered a statement that FIR in question was registered at his instance. He further stated that a compromise has been effected between him and all the above said accused with intervention of respectables for maintaining peace and harmony vide compromise deed, copy of which has been produced as Ex. CA. He identified his signatures on same at Point 1. He further stated that petition Under Section 13B of Hindu Marriage Act is pending before the Court of Sh. Mandeep Mittal, Additional Principal Judge, Family Court, Ludhiana in which both the parties shall be bound to make statements of second motion for getting divorce by way of mutual consent. He further identified his daughter Kusum on the video conferencing call held in the Court. He further stated that compromise has been entered by him wilfully and without any threat or coercion from other side. He further expressed that complainant has no objection in quashing of the FIR.

Statement of victim/daughter of complainant namely Kusum (respondent No. 3) was also recorded through virtual mode (Video conferencing). She suffered a statement that FIR in question was registered by her father (being her attorney) at her instance. She further stated that a compromise has been effected between her and all the above said accused with intervention of respectables for maintaining peace and harmony vide compromise deed, copy of which has been produced as Ex. CA. She also stated that petition Under Section 13B of HMA is pending before the Court of Sh. Mandeep Mittal, Additional Principal Judge, Family Court, Ludhiana in which both the parties shall be bound to make statement of second motion for getting divorce by way of mutual consent. She further stated that compromise has been entered by her being wilfully and without any threat or coercion from other side. She also expressed that complainant has no objection in quashing of the FIR.

Similarly, joint statement of accused Harman Singh Rekhi, Ranjit Singh and Suman Bala was also recorded to the effect that compromise has been entered wilfully by them. They prayed for quashing of the FIR on the basis compromise Ex. CA.

After going through the statements of the parties and after examining them this Court is satisfied that the compromise has been executed by the parties by their own volition and without any threat or pressure from any quarter. Apparently, the case has arisen out of a matrimonial dispute between respondent No. 3 Kusum (now residing abroad) and accused Harnam Singh, petitioner No. 1 but now they have compromised the matter through her attorney and have agreed for divorce by way of mutual consent. From the demeanor of the parties as well, the compromise between parties appears to be genuine. Further, statement of the Investigating Officer, ASI Amrik Singh No. 2315/LDH, PS, NRI, Ludhiana, has also been recorded.”

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[5] As per the statement of ASI Amrik Singh, there is only one victim/complainant namely Kusum in the present FIR and none of the accused have been declared proclaimed offender in the present case.

[6] Sh. Simranjot Singh Nagra, Advocate, for respondents No. 2 and 3 has also confirmed the factum of compromise and submits that he has no objection if the present petition is allowed and the FIR is quashed.

[7] Learned counsel for the State has not raised any objection regarding the acceptance of the present petition.

[8] Hon'ble the 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.

[9] Since the matter has been settled between the parties and they have agreed to take divorce by way of mutual consent this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[10] Consequently, this petition is allowed and FIR No. 0012 dated 14.05.2022, registered at Police Station NRI, District Police Commissionerate, Ludhiana, under Sections 406 and 498-A IPC, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[11] Pending miscellaneous application (s), if any, shall also stand disposed of.

December 20, 2023 **(HARPREET KAUR JEEWAN)**
nitin **JUDGE**

Whether Speaking Yes
Whether reportable /No