

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

Sr. No.277**CRM-M-34506-2023 (O&M)****Date of decision : 14.12.2023**

Gourav Gupta

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rahul Soi, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Varun Baanth, Advocate for
Mr. Shubham Pathania, 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.0014 dated 16.01.2021, under Sections 406 & 498-A IPC, registered at Police Station Khanna City-2, Khanna Police District Khanna, District Ludhiana on the basis of compromise deed dated 24.05.2023 (Annexure P-2) 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 12.07.2020. 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. Both the parties are not living together. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 24.05.2023 (Annexure P-2) has been executed between the parties which

has been duly signed by all the parties. The petitioner and respondent No.2 have filed a joint petition by way of mutual consent for divorce 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 19.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 25.08.2023 of the Sub Divisional Judicial Magistrate, Khanna through the District & Sessions Judge, Ludhiana, has been received. As per said report, the statement of the complainant, statement of the accused-petitioner and statement of ASI-Kuldeep Singh have been recorded. As per said report, the compromise is genuine and without any pressure. There is no history of criminal cases against the parties except that a petition under Section 13-B of HMA is pending before the Family Camp Court, Khanna. 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. The petitioner has agreed to pay a sum of Rs.4 lac on the second motion of petition under Section 13-B of HMA. 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.0014 dated 16.01.2021, under Sections 406 & 498-A IPC, registered at Police Station Khanna City-2, Khanna Police District Khanna, District Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner. However, the respondent No.2 shall be at liberty to get the present petition revive, if the petitioner does not finally adhere to the terms of settlement.

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