

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

Sr. No.113+211

CRM-M-40562-2021 (O&M)
Date of decision : 16.12.2023

Preetinder Singh and others

.....Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Divyam Singh, Advocate for
Mr. Sandeep Siwach, Advocate, for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab

Mr. Sukhdev Singh, Advocate, for
Mr. Lakhwinder Singh, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

CRM-41358-2023

The application is allowed.

Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-40562-2021 (O&M)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.52 dated 06.06.2018, under Sections 498-A & 34 IPC, registered at Police Station Sadar Rampura, District Bathinda (Annexure P-1) on the basis of compromise deed dated 25.08.2021 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that the FIR in question was registered on account of marital discord between the parties which has since been amicably settled. He further submits that subsequent

to the registration of the FIR in question, a joint petition under Section 13-B of the Hindu Marriage Act was filed by the parties wherein they had got recorded their first motion statements as well. In support of his submissions, counsel has invited the attention of this Court to Annexure P-2 which is the compromise stated to have been effected between the parties. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 29.09.2021, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 10.11.2021 of the Sub Divisional Judicial Magistrate, Phul through the District & Sessions Judge, Bathinda, has been received. As per the said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:-

“1. As per the statement of ASI Baljit Pal No.850/BTI, P.S. Sadar Rampura there are only three accused namely Preetinder Singh, Baldev Singh and Paramjit Kaur and only one complainant namely Sukhjit Kaur in the present case. As per the statement of complainant Sukhjit Kaur, compromise have been effected between her and accused namely Preetinder Singh, Baldev Singh and Paramjit Kaur with the intervention of respectable persons and all the aforesaid persons appeared in the court and suffered a statement with regard to compromise.

2. As per the statement of ASI Baljit Pal No.850/BTI, P.S. Sadar Rampura no accused has been declared proclaimed offender.

3. As per the statement of ASI Baljit Pal No.850/BTI, P.S. Sadar Rampura accused Preetinder Singh was arrested on dated 10.07.2021 by ASI Manjit Singh as per order dated 07.07.2021 of Sh. Baljinder Singh Sra, Learned Additional Sessions Judge, Bathinda. Challan in this case has been submitted on dated 20.08.2020 against accused Baldev Singh and Paramjit Kaur. Accused Preetinder Singh is on police bail and challan against him has not yet been submitted so far.

4. The compromise effected between the parties appears to be genuine, out of their free will, without any external pressure or

coercion. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsel.

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.52 dated 06.06.2018, under Sections 498-A & 34 IPC, registered at Police Station Sadar Rampura, District Bathinda (Annexure P-1) and all the subsequent proceedings emanating from the said FIR are ordered to be quashed qua the petitioners.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No