

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

Sr. No.266

CRM-M-36596-2023 (O&M)
Date of decision : 14.12.2023

Tejinder Singh Bains and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Saurav Bhatia, Advocate, for the petitioners.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Sahil Matharoo, 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.1 dated 07.01.2021, under Sections 406, 498-A IPC, registered at Police Station NRI, District Shaheed Bhagat Singh Nagar, on the basis of compromise deed dated 22.06.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners has submitted that there was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioners 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 22.06.2023 (Annexure P-2) has been executed between the parties. They do not have any child from this marriage. They have filed divorce petition for dissolution of their marriage.

Respondent No.2 does not want to take any legal action against the

petitioners in the said FIR. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 28.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 10.10.2023 of the Judicial Magistrate, Ist Class, Shaheed Bhagat Singh Nagar through the District & Sessions Judge, SBS Nagar, has been received. As per said report, the statement of the complainant and statements of petitioner No.1 and Jugraj Singh (attorney of accused-petitioner No.2) and statement of ASI-Jasvir Singh have been recorded and the compromise is without any pressure and is genuine. There were two accused persons in the present FIR and neither of the said accused are involved in any other criminal case nor declared proclaimed offender.

6. 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.

7. 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 divorce 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.

8. Consequently, the present petition is allowed and FIR No.1 dated 07.01.2021, under Sections 406, 498-A IPC, registered at Police Station NRI, District Shaheed Bhagat Singh Nagar, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

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

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No