

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.277

CRM-M-37789-2023 (O&M)

Date of decision : 21.11.2023

Jasbir Kaur and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.S. Batth, Advocate, for the petitioners.

Mr. G.S. Sandhu, DAG, Punjab

Ms. Aarushi Garg, 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.0035 dated 20.04.2020, under Sections 406 & 498-A IPC, registered at Police Station Women, District Patiala, on the basis of compromise deed dated 20.07.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners has submitted that the marriage between Kulwinder Singh-petitioner No.2 and Sarabjeet Kaur-respondent No.2 was solemnized on 23.01.2017. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioners at the instance of Sarabjeet Kaur-respondent No.2. Both the parties are not living together for the last about 04 years (since August-2019). However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 20.07.2023 (Annexure P-2) has been executed between the

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parties which have been duly signed by all the parties. Petitioner No.2 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 (Annexure P-3), in pursuance to the said compromise. The statements of the parties have been recorded for the first motion on 21.07.2023, on the basis of compromise (Annexure P-2). Respondent No.2-Sarabhjeet Kaur 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 03.08.2023, the following order was passed:-

“Learned counsel for the petitioners refers to Annexure P-2 dated 20.7.2023 to contend that a compromise has been effected between the parties and prays for quashing of FIR. No.0035 dated 20.04.2020, under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala (Annexure P-1).

Notice of motion for 21.11.2023.

At the asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of the respondent No.1-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court

At this stage, Ms. Aarushi Garg, Advocate causes representation on behalf of respondent No.2 and files her Memo of Appearance, which is taken on record. She undertakes to file Power of Attorney on behalf of said respondent within one week from today with the Registry. Learned counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaga Magistrate on 22.8.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaga Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

4. The report dated 14.09.2023 of the Judicial Magistrate, Ist Class, Patiala through the District & Sessions Judge, Patiala, has been received. As per said report, the statement of the complainant-Sarabjit Kaur, a joint statement of both the petitioners and statement of ASI-Baljinder Singh have been recorded. Copies of their statements have been duly annexed with the report. As per the said report, the compromise is genuine, voluntarily and without any coercion between the parties. No other criminal case is pending against the petitioners and there is no other victim in the

present FIR except the complainant-Sarabhjeet Kaur whose statement was recorded by the Magistrate.

5. 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.

6. Since, it was a matrimonial dispute which has been settled between the parties by way of resolving their differences and even 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 parties are young and they are re-starting their lives. The present FIR is going to be an impediment between the parties to re-start their lives. So in the interest of justice, it is a fit case for quashing of the FIR.

7. Consequently, the present petition is allowed and FIR No.0035 dated 20.04.2020, under Sections 406 & 498-A IPC, registered at Police Station Women, District Patiala, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

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

(HARPREET KAUR JEEWAN)
JUDGE

21.11.2023

Ramandeep Singh