

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

Sr. No.220

**CRM-M-38169-2023 (O&M)
Date of decision : 16.12.2023**

Ravinder Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.S. Manaise, Advocate, for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab

Mr. Komalpreet Singh, 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.5 dated 07.01.2023, under Sections 498-A, 406, 34 IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur on the basis of compromise dated 09.06.2023 executed between the parties.

2. Learned counsel for the petitioner has submitted that the parties have effected a compromise (Annexure P-2) in the Mediation & Conciliation Centre of this Court. In pursuance to the said compromise, petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed (Annexure P-3) before the Family Court. 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 04.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 25.09.2023 of the Judicial Magistrate Ist Class, Batala through the District & Sessions Judge, Gurdaspur, has been received. As per report, the compromise is genuine and without any pressure. The relevant portion of the report reads as under:-

“(1) There are two persons namely Ravinder Singh son of Late Gurburan Singh and Baljinder Kaur wife of late Gurburan Singh, both residents of Quarter No. 819-A, Type-1, Rail Coach Factory, Tehsil & District Kapurthala arrayed as accused in the present FIR and both of them appeared in the Court and got recorded their joint statement qua the compromise.

(2) In this case, none of the accused has been declared as proclaimed person nor any P.O. proceedings are pending against accused persons.

(3) There is only one complainant/aggrieved namely, Pardeep Kaur wife of Ravinder Singh daughter of Narinder Singh, resident of Village Kala Afgana, District Gurdaspur and she has recorded his statement qua the compromise.

(4) The present case is at the Investigation stage.

(5) After going through the statements of the parties, this Court is satisfied that complainant has effected the compromise with the above named accused with her own free will and without any coercion or pressure from any corner and same is found genuine.

6) Except the present FIR, there is no other FIR registered or pending against above named accused persons.”

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.5 dated 07.01.2023, under Sections 498-A, 406, 34 IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur 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

16.12.2023

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No