

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.254

CRM-M-40326-2023 (O&M)

Date of decision : 24.11.2023

Vimal Kumar and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Inderjeet Singh, Advocate, for the petitioners.

Mr. G.S. Sandhu, DAG, Punjab

Mrs. Manisha Ahuja, respondent No.2-complainant
present in person.

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.23 dated 08.04.2013, under Sections 406, 498-A IPC, registered at Police Station Women Thana, District Patiala, on the basis of compromise deed dated 07.02.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Vimal Kumar-petitioner No.1 and Manisha Ahuja-respondent No.2 was solemnized on 09.07.2011. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioners at the instance of Manisha Ahuja-respondent No.2. However, the parties have finally settled their matrimonial dispute and they have started living together as husband and wife. It is further submitted that respondent No.2 has already withdrawn petition filed under Section 125

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Cr.P.C. regarding maintenance and in order to live peacefully, parties have entered into said compromise (Annexure P-2) and both the parties have agreed not to proceed further with the FIR in question. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 18.08.2023, the following order was passed:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR. No.23 dated 08.04.2013(Annexure P-1), registered under Sections 406 and 498-A IPC at Police Station Women (Thana), District Patiala and all the consequential proceedings arising therefrom on the basis of compromise deed dated 07.02.2023 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise dated 07.02.2023 (Annexure P-2) according to which both the parties have agreed not to proceed further with the FIR in question. It is also submitted that the present FIR emanates from the matrimonial dispute between the parties.

Notice of motion.

On the asking of the Court, Mr. Pankaj Khullar, AAG, Punjab, accepts notice on behalf of respondent No.1-State; whereas Smt. Manisha Ahuja-respondent No.2/complainant has appeared in person, in Court today.

In view of the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording their

statements with regard to the compromise dated 24.07.2023 (Annexure P-3) on 12.09.2023 by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 24.11.2023 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; and
5. The trial Court is also directed to record the statement of the Investigating Officer as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

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

4. The report dated 30.09.2023 of the Judicial Magistrate, Ist Class, Patiala through the District & Sessions Judge, Patiala, has been received. As per said report, the statement of complainant-Manisha Ahuja, statements of the petitioners and statement of Inspector-Mangaljit Kaur 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

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without any coercion between the parties. No other criminal case is pending against the petitioner and there is no other victim in the present FIR except the complainant- Manisha Ahuja 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 in order to live peacefully, parties have entered into compromise dated 07.02.2023 according to which both the parties have agreed not to proceed further with the FIR in question. Petitioner and respondent No.2 have started living together. Their matrimonial dispute is over. 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.23 dated 08.04.2013, under Sections 406, 498-A IPC, registered at Police Station Women Thana, 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

24.11.2023

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No