

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.277

CRM-M-45162-2022 (O&M)
Date of decision : 11.12.2023

Suraj Balram Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nitin Narula, Advocate, for the petitioners.

Mr. Harpreet Singh, Addl. AG, Punjab

Mr. Sandeep Sharma, 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.0036 dated 11.05.2017, under Sections 498-A & 506 IPC, registered at Police Station Jhander, District Amritsar Rural, Punjab (Annexure P-1) on the basis of compromise deed dated 18.07.2022 (Annexure P-3) executed between the parties.

2. Learned counsel for the petitioners has submitted that the marriage between Suraj Balram Singh-petitioner No.1 and Barinderjit Kaur-respondent No.2 was solemnized on 11.02.2010 and after marriage, their son namely Angadveer Singh was born. Due to some misunderstanding between the parties, the present FIR was got registered against the petitioners at the instance of respondent No.2. However, with the intervention of the respectables and relatives, they have finally settled their

matrimonial dispute and compromise deed dated 18.07.2022 (Annexure

P-3) has been executed between the parties which have been duly signed by all the parties. Now, there are no differences between the parties and they are residing together happily along with their son. As such, prayer is made to quash the said FIR along with all consequent proceedings.

3. On 28.09.2022, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording their statements regarding the compromise.

4. The report dated 01.12.2023 of the Judicial Magistrate, Ist Class, Ajnala through the District & Sessions Judge, Amritsar, has been received. As per said report, the compromise is genuine and without any pressure. There is no history of criminal cases against the parties. The statement of complainant, statement of petitioners and statement of ASI-Sukhdev Singh has been recorded by the Magistrate. No accused has been declared as proclaimed offender in this case.

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 by way of resolving their differences and even as per the terms and conditions of the compromise, they have settled all their differences and now they want to live/settle peacefully with other.

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.0036 dated 11.05.2017, under Sections 498-A & 506 IPC, registered at Police Station Jhander, District Amritsar Rural, Punjab (Annexure P-1) 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

11.12.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No