

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

Sr. No.267

CRM-M-44432-2023 (O&M)

Date of decision : 14.12.2023

Rupinder Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.K. Dhot, Advocate, for the petitioners.

Mr. G.S. Sandhu, DAG, Punjab

Ms. Neha Randhawa, Advocate for
Ms. Neha Jain, 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.74 dated 26.11.2022, under Sections 406 & 498-A IPC, registered at Police Station Women, District Bathinda (Annexure P-1), on the basis of compromise deed dated 25.08.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners has submitted that the marriage between petitioner No.1 and respondent No.2 was solemnized on 15.10.2019. 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 25.08.2023 (Annexure P-2) has been executed between the parties which has been duly signed by all the parties. The petitioner No.1 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, in pursuance to the said compromise. The statements of the parties have been recorded for the first motion on the basis of compromise (Annexure P-2). 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 05.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 05.10.2023 of the Judicial Magistrate, Ist Class, Bathinda through the District & Sessions Judge, Bathinda, has been received. As per said report, the statement of the complainant, joint statement of the petitioners and statement of ASI-Nirmal Singh have been recorded by the Magistrate and the compromise is genuine and without any pressure. No other FIR is pending against the accused persons and there is one victim-complainant in the present 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 and they want to peacefully part ways. As per the terms and conditions of the compromise, they have filed a joint petition under

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.74 dated 26.11.2022, under Sections 406 & 498-A IPC, registered at Police Station Women, District Bathinda (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

14.12.2023
Ramandeep Singh

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