

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.255

CRM-M-44555-2023 (O&M)

Date of decision : 24.11.2023

Gurpinder Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Balwant Singh, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Ashish Soi, Advocate, for respondents No.2 and 3.

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.0174 dated 19.07.2022, under Sections 406, 498-A IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana, on the basis of compromise deed dated 24.08.2023 (Annexure P-4) executed between the parties.

2. Learned counsel for the petitioner has submitted that the marriage between Gurpinder Singh-petitioner and Simranjeet Kaur-respondent No.2 was solemnized on 10.12.2017. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioner at the instance of Simranjeet Kaur-respondent No.2. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 24.08.2023 (Annexure P-4) has been executed between the parties

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which have been duly signed by all the parties. Petitioner 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-Simranjeet Kaur 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 06.09.2023, the following order was passed:-

“Learned counsel for the petitioner refer to Annexure P-4 dated 24.08.2023 to contend that a compromise has been effected between the parties and prays for quashing of FIR. No.0174 dated 19.07.2022, under Sections 406 and 498-A IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana (Annexure P-1).

Notice of motion for 24.11.2023

At the asking of the Court, Mr. Kunwarbir Singh, 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, Mr. Ashish Soi, Advocate causes representation on behalf of respondents No.2 & 3 and files his power of attoney, which is taken on record. Learned counsel for respondents No.2 & 3 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 27.09.2023

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for recording their statements with regard to compromise/settlement. Trial Court/Illaq 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 29.09.2023 of the Judicial Magistrate, Ist Class, Ludhiana through the District & Sessions Judge, Ludhiana, has been received. As per said report, the statements of complainant/respondent No.2-Simranjit Kaur and Sukhdev Singh-respondent No.3, statement of the petitioner and statement of ASI-Pardeep Kumar 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 petitioner and there is no other victim in the present FIR except the complainant/respondent No.2- Simranjit 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. 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.0174 dated 19.07.2022, under Sections 406, 498-A IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

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