

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

Sr. No.223

CRM-M-45217-2023 (O&M)

Date of decision : 16.12.2023

Kuldeep Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Mr. Harpreet Singh, Addl. AG, Punjab

Ms. Gurkamal Kaur, Advocate,
for respondent No.4-complainant.

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.0124 dated 08.12.2020, under Sections 498-A & 406 IPC, registered at Police Station Fatehgarh Churian, District Batala on the basis of compromise dated 26.01.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners has submitted that in order to live peacefully, parties have entered into compromise dated 26.01.2023 (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. Learned counsel for the petitioners further submits that the parties have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for dissolution of marriage, wherein first motion statements (Annexure P-5) of the parties have been recorded by the learned Family Court, Camp Court,

Batala on 25.01.2023. As such, prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 13.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 04.10.2023 of the Judicial Magistrate Ist Class, Batala through the District & Sessions Judge, Gurdaspur, has been received. The relevant portion of the said report reads as under:-

“(1) There are four persons namely Kuldip Singh son of Jasbir Singh, Hardip Singh son of Jasbir Singh, Gurdeep Kaur daughter of Jasbir Singh and Darshan Kaur wife of Jasbir Singh, all residents of Village Kathu Nangal, District Amritsar arrayed as accused in the present FIR.

(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) 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.

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

(5) The statement of Investigating Officer has also been recorded as per which there is only one complainant namely, Amritpal Kaur (Respondent No. 4) in this case and all the accused and the complainant are party to the compromise in question.”

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.0124 dated 08.12.2020, under Sections 498-A & 406 IPC, registered at Police Station Fatehgarh Churian, District Batala 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