

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.263

CRM-M-45071-2023 (O&M)

Date of decision : 24.11.2023

Gurbir Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.B.S. Mann, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. A.P.S. Sehgal, Advocate for
Mr. S.S. Mann, 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.134 dated 10.10.2018, under Section 498-A IPC, registered at Police Station Phase 11, District SAS Nagar, Punjab, on the basis of compromise effected between the parties.

2. Learned counsel for the petitioner refers to the proceedings under Section 13-B of the Hindu Marriage Act, 1955 initiated by the parties, to contend that matter has been compromised between the parties. He further submits that the marriage between Gurbir Singh-petitioner and Prabhnoor Kaur-respondent No.2 was solemnized on 23.10.2016. There was a matrimonial dispute between the parties due to which the present FIR was got registered against the petitioner at the instance of Prabhnoor Kaur-respondent No.2. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute.

The 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. The statements of the parties have been recorded by the Family Court. Respondent No.2-Prabhnoor 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 12.09.2023, the following order was passed:-

“Learned counsel for the petitioner refers to the proceedings under Section 13-B of the Hindu Marriage Act, 1955 initiated by the parties to contend that matter has been compromised between the parties and prays for quashing of FIR No.134 dated 10.10.2018, under Sections 498-A IPC, registered at Police Station Phase 11, District SAS Nagar (Annexure P-1).

Notice of motion for 24.11.2023.

At the asking of the Court, Ms. Kanica Sachdeva, 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. Sarbuland Singh Mann, Advocate causes representation on behalf of respondent No.2 and files his power of attorney, which is taken on record. Learned counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaga Magistrate on 13.10.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaga Magistrate is directed to submit a report on or

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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 18.11.2023 of the Addl. Chief Judicial Magistrate, SAS Mohali through the District & Sessions Judge, SAS Nagar, has been received. As per said report, the statement of the complainant-Prabhnoor Kaur, statement of the petitioner and statement of ASI-Jaspal Singh 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 petitioners and there is no other victim in the present FIR except the complainant-Prabhnoor 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

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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. As such trial in the present FIR would not be in the interest of parties and may even stall their future settlement in life. 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.134 dated 10.10.2018, under Section 498-A IPC, registered at Police Station Phase 11, District SAS Nagar, Punjab, 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