

**270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45561-2023 (O&M)

Date of Decision: 23.11.2023

JASWINDER SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. A.S. Khinda, Advocate
for the petitioners.

Mr. G.S. Sandhu, DAG, Punjab.

Ms. Navjot Kaur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.122 dated 14.07.2023, under Sections 498-A and 323 IPC read with Section 34 thereof (Section 406 IPC added lateron), registered at Police Station Bhikhi, District Mansa, on the basis of a compromise dated 18.08.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioners *inter alia* contends that the present FIR against petitioners was registered on account of a family dispute between the parties which has been settled by them and a compromise dated 18.08.2023 (Annexure P-2) has been duly signed by the petitioners and respondent No.2-Narveer Kaur. On the basis of the said compromise, petitioner No.1-Jaswinder Singh and respondent No.2-Narveer Kaur are living together as

husband and wife. Respondent No.2 does not want to take any action against the petitioners in the present FIR. As such, prayer is made to quash the present FIR along with all consequent proceedings.

3. On 13.09.2023, the following order was passed:-

“By way of the instant petition, the petitioners have sought the quashing of the FIR bearing No.122 dated 14.07.2023 registered at Police Station Bhikhi, District Mansa, under Sections 498-A and 323 read with Section 34 IPC (wherein the offence under Section 406 IPC is stated to have been added later-on), along-with all the subsequent proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.

Learned counsel for the petitioners, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioners and respondent No.2-complainant but now, with the intervention of the respectables, the same stands settled/resolved amicably and the said compromise would promote cordial, peaceful and harmonious relations between them.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Ms. Navjot Kaur, Advocate has put in appearance on behalf of respondent No.2 in this case and has submitted her Power of Attorney in the Court today and the same is taken on the record. She accepts

the notice on behalf of her client and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 16.10.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. It is clarified here that the statement of petitioner No.3 named Kamaljit Kaur, who is stated to be, presently, residing in Canada, shall be recorded through Video-Conferencing in the presence of her counsel as well as respondent No.2, after her due identification by both of them. The Illaqa Magistrate/trial Court shall submit the report on or before 23.11.2023 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating

Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

[4] The report dated 31.10.2023 of the Judicial Magistrate, 1st Class, Mansa through the District & Sessions Judge, Mansa, has been received along with the statement of respondent No. 2-Narveer Kaur (the complainant), a joint statement of the petitioners and a statement of ASI Bhola Singh, which were recorded by Mr. Harpreet Singh, Judicial Magistrate, 1st Class, Mansa. As per the said report, the compromise between the parties is genuine, voluntarily and without any coercion. No other criminal case is pending against the petitioners and there is no other victim in the present FIR except the complainant-Narveer Kaur whose statement was recorded by the Magistrate.

[5] Learned State counsel confirms the fact that the FIR was registered against three persons who are the present petitioners in the present petition and no other person-accused in the present FIR.

[6] 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.

[7] Since, it was a matrimonial dispute which has been settled between the parties by way of resolving their differences and this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be

quashed.

[8]. Consequently, the present petition is allowed and FIR No.122 dated 14.07.2023, under Sections 498-A, 323, 34 IPC (Section 406 IPC subsequently added), registered at Police Station Bhikhi, District Mansa, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

[9]. Pending miscellaneous application(s), if any, also stands disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

23.11.2023
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No