



Sr. No.239

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3981-2024
Date of decision: 01st July 2024

HARNEK SINGHPetitioner
versus
STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manav Bajaj, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Paramveer Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.51 dated 22.07.2015, under Sections 498-A, 406 IPC, registered at Police Station Garhdiwala, Tehsil Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 19.12.2023 (Annexure P- 4).
2. On 19.03.2024, following order was passed:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that the FIR was registered due to matrimonial dispute between petitioner-husband and respondent No.2-wife. The petitioner was declared as proclaimed person and the said order was challenged by way of filing CRM-M-41712-2022 whereas the petitioner was directed to surrender before the learned trial Court. He was granted interim bail as per the order dated 13.09.2022 (Annexure P-3). In compliance of the said order, the petitioner had been regularly appearing before the trial Court. It is further contended that the



FIR was registered against the petitioner-husband and Harbhajan Singh, father of the petitioner. Harbhajan Singh has been acquitted by the trial Court as per the judgment dated 27.09.2019 passed by learned Judicial Magistrate First Class, Dasuya (Annexure P-2).

Learned counsel for the petitioner further contends that now the parties have effected a compromise and joint petition has been filed under Section 13-B of the Hindu Marriage Act by the petitioner and respondent No.2 (Annexure P-7). The statement of first motion was recorded by the Family Court, Dasuya which is reflected in the order dated 09.01.2024 (Annexures P-8, P-9 and P-10). The petitioner has agreed to pay a sum of Rs. 20 Lakhs to the complainant for maintenance out of which Rs.10 lakhs has already been paid on 09.01.2024 at the time of recording of the first motion statement. Now respondent No.2 does not want to take any action against the petitioner.

Notice of motion.

Ms. Himani Arora, A.A.G., Punjab accepts notice on behalf of the State.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Mr. Paramveer Singh, Advocate has filed power of attorney on behalf of respondent No.2, which is taken on record and he confirms about factum of compromise between the parties.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 01.07.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 15.05.2024 for recording of their statements.

xxx xxx xxx xxx”

3. Learned State counsel has filed status report dated 01.07.2024, by way of Sh. Harjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda,



District Hoshiarpur, on behalf of respondent-State of Punjab, which is taken on record. Learned State counsel has informed that the petitioner was declared as Proclaimed Offender on 26.05.2016 by the Court of Judicial Magistrate First Class, Dasuya. However, the co-accused of the petitioner namely Harbhajan Singh was acquitted by the trial Court vide judgment dated 27.09.2019. It is further submitted that the petitioner was granted interim bail by this Court and the petitioner has joined investigation in the present case on 12.01.2023 and supplementary challan qua the petitioner has been presented before the trial Court.

4. Learned State counsel as well as learned counsel for respondent No.2 has not raised any objection regarding the acceptance of the present petition.

5. In compliance of the order dated 19.03.2024, passed by this Court, report dated 08.05.2024 has been received from the Judicial Magistrate Ist Class, Dasuya, through District and Sessions Judge, Hoshiarpur, as per which, the compromise effected between the parties with their free consent and without any inducement or threat.

6. The matrimonial dispute *inter se* the parties stands settled (Annexure P-4). One co-accused of the petitioner has already been acquitted by the trial Court. Both the parties have already filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-7), wherein, joint statement of the parties on first motion have already been recorded by the Family Court on 09.01.2024 (Annexure P-8).

7. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in "Narinder Singh and others vs. State of Punjab and another", (2014) 6 SCC 466, "Ramgopal and another Vs. State of Madhya Pradesh 2021"; SCC OnLine SC 834 and "Shakuntala Sawhney (Mrs) Vs.



“Kulwinder Singh Vs. State of Punjab 2007”; (3) RCR (Crl.) 1052, the present petition is allowed and FIR No.51 dated 22.07.2015, under Sections 498-A, 406 IPC, registered at Police Station Garhdiwala, Tehsil Dasuya, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

8. However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 19.12.2023 (Annexure P-4) are violated.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01st July 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>