

CRM-M-1877-2023 (O&M)

Date of Decision: 26.04.2024

AMANDEEP KUMAR

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

Mr. Rishu Mahajan, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 205 dated 21.06.2015, under Sections 341, 323, 365, 148 and 149 of the IPC, registered at Police Station Civil Lines, District Amritsar, (Annexure P-1), on the basis of the judgment and decree of divorce passed by the learned Family Court, Amritsar (Annexure P-3), whereby the petitioner and respondent No. 2 have been granted divorce through mutual consent.

[2] Counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2-complainant who was the wife of the present petitioner. A compromise/settlement has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has already been filed

by them before the learned Family Court, Amritsar. As per the order dated 23.05.2022 (Annexure P-3) passed by the learned Family Court, Amritsar, petition filed under Section 13-B of the Hindu Marriage, Act, 1955, has been allowed and both the parties have also been granted decree of divorce. The parties have settled their dispute amicably. A sum of ₹2,90,000/- in respect of past, present and future maintenance has been given to respondent No. 2 by the petitioner. They have decided to withdraw all the cases filed against each other.

[2.1] Learned counsel for the petitioner further submits that earlier the petitioner was declared Proclaimed Offender by the learned trial Court in the present FIR. However, as per the order dated 09.04.2024 passed by this Bench in CRM-M-12240-2022, the petitioner was appeared before the trial Court and also admitted to interim bail. The order dated 02.11.2019 whereby the petitioner was declared Proclaimed Offender has now been quashed by this Court passed in the aforesaid petition today itself. The petitioner and respondent No. 2 both have appeared before the trial Court and they got recorded their statements. Respondent No. 2 does not want to pursue with the present case and she has no objection if the present FIR against the present petitioner is quashed by this Court.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2-complainant has no objection if the present FIR against the present petitioner is quashed by this Court.

[4] On 08.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 08.11.2023, received from the Chief Judicial Magistrate, Amritsar, through the District & Sessions Judge, Amritsar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Earlier the petitioner was declared as “Proclaimed Offender” in the present case. However, that order has been stayed by this Court, vide order dated 08.08.2023 passed in CRM-M-12240-2022. Now, as noticed above, the said order has been quashed by this Court, vide its separate order of even date, passed in CRM-M-12240-2022.

[5.1] The report further goes on to state that earlier the FIR was registered against six persons but ‘*challan*’ was presented only against the present petitioner. The petitioner is not involved in any other criminal case. As per the statement of the investigating officer, there is only one victim/complainant who is respondent No. 2 in the present petition. As per the statement of respondent No. 2, she does not want to pursue with the present petition and she has no objection if the present FIR against the present petitioner is quashed by this Court.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] The matrimonial dispute between the parties stands settled. Keeping in view the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal)*

543 and the decision of Hon'ble the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No. 205 dated 21.06.2015, under Sections 341, 323, 365, 148 and 149 of the IPC, registered at Police Station Civil Lines, District Amritsar, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Swati and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

[10] Pending miscellaneous application (s), if any, shall also stand disposed of.

April 26, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking	Yes
Whether reportable	No