



Sr. No.309

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2330-2022
Date of decision: 27th May, 2024

KAMLESH RANIPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G.,Punjab.

Mr. Ritesh K. Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.04 dated 05.05.2018, under Sections 406, 498-A, 120-B IPC, 1860, registered at Police Station NRI, District Shaheed Bhagat Singh Nagar, (Annexure P-1), on the basis of compromise deed dated 14.12.2021 (Annexure P-2) executed between the parties.

[2] On 15.09.2022, the following order was passed:-

“xxx xxx xxx xxx

Counsel for the petitioner submits that the petitioner is the mother-in-law of complainant-respondent No.2. He submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute between petitioner's son and complainant-respondent No.2, which has been settled by virtue of compromise, Annexure P-2. By referring to the terms of compromise, he submits that out of the agreed permanent alimony of Rs.17 lacs, half the amount has been paid to the complainant-respondent No.2 and the balance is to be paid at the time of recording of statement in support of the compromise.



Notice of motion.

On asking of the Court, Mr. Vipin Pal Yadav, Addl. A.G., Punjab accepts notice of behalf of State-respondent No.1. Upon instructions received from ASI, Sohan, State counsel submits that the trial is underway. Still further, he submits that besides the petitioner, there are five more accused, all of whom are in Italy and summons have been issued against them under Section 105-B of the Code.

Mr. Rahul Garg, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise and supports the prayer made in the petition. The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 22.11.2022 or on any day thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 19.01.2023.

xxx xxx xxx xxx”

[3] On 15.09.2022, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[4] As per the report dated 30.11.2022, received from the Chief Judicial Magistrate, SBS Nagar, through the District & Sessions Judge, SBS Nagar, the compromise effected between the parties is genuine, voluntary and without any

coercion or undue influence. The statements of the parties including the



complainant, the petitioner and Investigating Officer - ASI Sohan Singh, have been recorded. The complainant-Ram Kumari appeared through her attorney Jaswinder Kaur and accused-petitioner Kamlesh Rani appeared in person. The petitioner has not been declared as “Proclaimed Offender” and she is not involved in any other criminal case.

[5] Learned State counsel has raised the objection that out of total 06 co-accused, only 01 accused namely Kamlesh Rani is the petitioner in the present petition.

[6] However, learned counsel for the petitioner contends that now compromise has been effected on behalf of all the accused and a separate petition on behalf of other 05 co-accused has been filed i.e. CRM-M-15107-2022, which is also listed for today.

[7] Learned counsel for respondent No.2 has confirmed the factum of compromise effected between the parties.

[8] The 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.

[9] Consequently, the present petition is allowed and FIR No.04 dated 05.05.2018, under Sections 406, 498-A, 120-B IPC, 1860, registered at Police Station NRI, District Shaheed Bhagat Singh Nagar, (Annexure P-1) and all the



subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 14.12.2021 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

27th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No