

297/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4241-2021 (O&M)
Date of Decision: 18.03.2024

HARNAM SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Mr. Ramanjeet Singh, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 44 dated 12.02.2019 (Annexure P-1) under Sections 406, 498-A of IPC, registered at Police Station Women, District Police Commissionerate, Ludhiana, Punjab on the basis of compromise (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner inter alia contends that the FIR was a result of matrimonial dispute between petitioner-Harnam Singh (husband) and respondent No.2 (wife) which has now been resolved and compromise/panchayati agreement dated 28.08.2019 (Annexure P-2) has been executed between the parties. The petitioner and respondent No.2 have filed a joint petition for divorce and decree of divorce dated 28.05.2021 has been passed under Section 13-B of the Hindu Marriage Act by the Family Court, Ludhiana.

[3] Learned counsel for the petitioner further contends that the connected petition titled as Surjeet Singh and another vs. State of Punjab and another in CRM-M-8917-2021 has also been filed on behalf of father-

in-law and mother-in-law of respondent No.2 for quashing of the FIR and statements have also been recorded in the said case.

[4] Learned counsel appearing on behalf of respondent No. 2 has filed power of attorney/Vakalatnama which is taken on record and he has confirmed the factum of compromise between the parties.

[5] On 29.01.2021, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 10.02.2021, learned Judicial Magistrate First Class, Ludhiana has reported that he has recorded the statement of the complainant/respondent No.2 as well as of the petitioner. Both the parties have admitted the genuineness of the compromise between the parties and from their statements, it appears that the parties have effected the compromise out of their free will and voluntarily.

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

[8] Keeping in view the facts and circumstances of the case, 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, this petition is allowed and FIR No. 44 dated 12.02.2019 (Annexure P-1) under Sections 406, 498-A of IPC, registered at

Police Station Women, District Police Commissionerate, Ludhiana, Punjab

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

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

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

18.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No ;
Whether reportable : Yes/No