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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4013-2024 (O&M)

Date of decision: 29.04.2024

SAGAR BHARDWAJ AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagandeep Singh Sirphikhi, Advocate  
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. B.S. Mittal, Advocate for  
Mr. Vishal Sodhi, Advocate  
for respondent No. 2.

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HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 03 dated 07.05.2021 registered under Sections 498-A, 406 of Indian Penal Code at Police Station NRI, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise.

2. The following order was passed on 25.01.2024:

*“The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.03 dated 07.05.2021 under Sections 498-A/406 of the Indian Penal Code, 1860 registered at Police Station NRI, District Hoshiarpur and all other consequential proceedings arising therefrom, on the ground that the parties have compromised the matter.*

2. *The brief facts of the case are that petitioner-husband was married to respondent No.2-wife on 13.04.2018. But due to temperamental differences, they could not live in harmony and decided to part their ways. Thereafter, petitioner and respondent*

*No.2 have made a joint statement/compromise (Annexure P-2) before learned Principal Judge, Family Court, Rupnagar on 29.07.2023 wherein the parties have agreed to mutual divorce by filing petition under Section 13-B of Hindu Marriage Act, 1955.*

3. *Learned counsel for the petitioners would contend that the parties have made a joint statement/compromise (Annexure P-2) to dissolve their marriage. He has relied upon the judgment by Hon'ble the Apex Court passed in Kulwinder Singh Vs. State of Punjab reported as 2007(3) RCR(Criminal) 1052.*

4. *Notice of motion.*

5. *On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab., accepts notice on behalf of respondent No.1-State. Mr. Vishal Sodhi, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.*

6. *Learned counsel appearing for respondent No.2 admits the contention made by learned counsel for the petitioner and further states that respondent No.2 would have no objection if the aforesaid FIR is quashed on the basis of the compromise/joint statement (Anneuxre P-2).*

7. *List on 29.04.2024.*

8. *Meanwhile, the parties are directed to appear before the concerned CJM/Illqa Magistrate/Trial Court on 20.02.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind.*

9. *A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

*1) Whether the joint statement/compromise dated 29.07.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*

*2) Whether any other criminal cases are pending against the parties.*

*3) Whether any proclamation proceedings are pending against either of the parties.”*

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. 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. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 03 dated 07.05.2021 registered under Sections 498-A, 406 of Indian Penal Code at Police Station NRI, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 29, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No