

Sr. No.306

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5582-2024

Date of decision: 04th April, 2024

GURPREET SINGH AND ANOTHER

.....Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Sidharth Sehgal, 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.134 dated 16.09.2020, under Sections 498-A and 406 IPC, registered at Police Station Joga, District Mansa (Annexure P-1), on the basis of compromise deed, which has been recorded in the statement of the parties (Annexures P-3 and P-4), recorded in a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 has already been filed by them. The petitioner has agreed to pay a sum of Rs.19,00,000/- to respondent No.2 as full and final settlement towards past, present and future maintenance, out

of which, the petitioner-husband has already paid a sum of Rs.9,50,000/- to respondent No.2-wife. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties. It is further contended that respondent No.2-wife has no objection if the amount of Rs.10,00,000/-, which was deposited in the shape of FDR as per the order dated 06.01.2021, passed by this Court in CRM-M-31027-2020 (Annexure P-2), is released to petitioner No1 in view of the compromise.

[3.1] Learned counsel for respondent No.2-wife further confirms that the joint statement of parties on first motion has already been recorded by the Family Court, Mansa, in the petition filed under Section 13-B of the Hindu Marriage Act, 1955. Respondent No.2-wife is having the custody of the child. As per the compromise, the custody of the child shall continue to remain with respondent No.2.

[4] On 02.02.2024, 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 27.02.2024, received from the Judicial Magistrate, Ist Class, Mansa, through the District & Sessions Judge, Mansa, compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender" and they are not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case and the fact

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, the present petition is allowed and FIR No.134 dated 16.09.2020, under Sections 498-A and 406 IPC, registered at Police Station Joga, District Mansa (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)

JUDGE

04th April, 2024

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