

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

277

CRM-M-6027-2023 (O&M)
Date of decision: 20.03.2024

SANDEEP KUMAR AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Kamal Narula, Advocate for the petitioners.

Mr. D.B. Singh, Senior DAG Punjab.

Mr. Munish Gulati, 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.01 dated 28.02.2020, under Sections 498-A and 406 IPC (Sections 420 and 120-B IPC added later on) registered at Police Station NRI Bathinda, (Annexure P-1), on the basis of affidavit dated 05.01.2023 (Annexure P-2) executed by respondent No.2.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that matter has been settled between the parties and in this regard affidavit dated 05.01.2023 (Annexure P-2) has been executed by respondent No.2. He submits that petitioner No.1-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 which has already been allowed vide judgment

and decree dated 03.08.2023 by the Family Court, Sri Muktsar Sahib, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 11.04.2023, the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 17.05.2023, received from the Judicial Magistrate, Ist Class, Bathinda through the District & Sessions Judge, Bathinda, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offenders".

[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 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.01 dated 28.02.2020, under Sections 498-A and 406 IPC (Sections 420 and 120-B IPC added later on) registered at Police Station NRI Bathinda, (Annexure P-1) and all

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

[9] However, the respondent No.2 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

20.03.2024

P.Bhatt

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