

Sr. No.295

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6265-2023
Date of decision: 05th March, 2024

GURPREET KUMAR**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Sourav Sharma, Advocate for
Mr. Amrit Pal Nahar, 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.033 dated 26.03.2019, under Section 498-A IPC, 1860, registered at Police Station Rahon, District SBS Nagar (Annexure P-1), on the basis of compromise dated 23.01.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. With the intervention of the respectables, the matter has been amicably resolved and the parties have executed compromise dated 23.01.2023 (Annexure P-2). The parties had filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 and they have been granted decree of divorce by the Family Court, SBS Nagar. As per the compromise (Annexure P-2), the petitioner-husband has paid an amount of

Rs.1,50,000/- to respondent No.2-wife as alimony. 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.

[4] On 06.02.2023, 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 19.04.2023, received from the Additional Chief Judicial Magistrate, SBS Nagar, through the District & Sessions Judge, SBS Nagar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is 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 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.033 dated 26.03.2019, under Section 498-A IPC, 1860, registered at Police Station Rahon, District SBS Nagar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 dated 23.01.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

05th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>