



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-6437-2023 (O&M)
Date of decision: 04.11.2024

NARINDER KUMAR AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Barjinder Singh, Advocate
for respondents No.2 to 7.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.37 dated 17.02.2015, under Sections 323, 341, 354, 506, 406, 498-A, 148, 149 IPC registered at Police Station Division No.5, District Jalandhar (Annexure P-1), on the basis of compromise deed dated 22.12.2022 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between parties. He further contends that the matter has been settled between the parties and compromise deed dated 22.12.2022 (Annexure P-2) has been executed between them, as such, respondent No.2 does not want to take any action in the



FIR.

[3] Learned counsel for respondents No.2 to 7 confirms about the factum of compromise between the parties.

[4] On 07.02.2023, 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 27.04.2023 received from Judicial Magistrate 1st Class, (NRI Court), Jalandhar forwarded through the office of District and Sessions Judge, Jalandhar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. However, the petitioner No.1-Narinder Kumar is involved in another FIR No.424 dated 01.11.2020 under Sections 302 and 34 IPC at Police Station Division No.5, Jalandhar. However, cancellation report was submitted before the Judicial Magistrate 1st Class, Jalandhar but the same was returned vide order dated 19.10.2021. Learned State counsel has informed that again a cancellation report has been submitted in the said Court and is pending before the Area Magistrate. The FIR was also registered against Rajesh Kumar son of Ishar Dass and Surjit Singh son of Raja Singh and both have died. This fact has also been confirmed by learned State counsel. Statment of complainant-Nidhi @ Neetu has been recorded, which is part of the report. As per her statement, she does not want to take any action in the present FIR and also confirms that she has received entire payment of alimony.

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

[7] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution



of the petitioners in the present FIR.

[8] Keeping in view 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.37 dated 17.02.2015, under Sections 323, 341, 354, 506, 406, 498-A, 148, 149 IPC registered at Police Station Division No.5, District Jalandhar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

04.11.2024
P.Bhatt

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