

293 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8448-2024 (O&M)
Date of Decision: 25.04.2024

RAJINDER KUMAR AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Sandhu, Advocate, for the petitioners.

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

None for respondent No. 2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0090 dated 30.10.2021, registered at Police Station Nurmehal, District Jalandhar Rural, under Sections 406 and 498-A of the IPC, on the basis of compromise deed dated 02.12.2023 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioners inter alia contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of petitioner No. 1. A compromise dated 02.12.2023 (Annexure P-3) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court, Phillaur, in which first motion statements have already been recorded.

[3] On 16.02.2024 learned counsel appearing on behalf of respondent No. 2 had confirmed the factum of compromise between the parties.

[4] On 16.02.2024, 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 02.04.2024, received from the learned Judicial Magistrate First Class, Phillaur the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender". No other case is pending against the petitioners.

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

[7] The matrimonial dispute between the parties stands settled. 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.

[8] Consequently, this petition is allowed and FIR No. 0090 dated 30.10.2021, registered at Police Station Nurmehal, District Jalandhar Rural, under Sections 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the

petitioners.

[9] However, 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 dated 02.12.2023 are violated.

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

25.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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