



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

283

CRM-M-8119-2024 (O&M)
Date of decision: 30.05.2024

CHANDER KESH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Jatinder Pal Singh, Advocate
for the petitioner.

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

Mr. Satinder Singh, Advocate for
Mr. Gurpreet Singh, Advocate
for respondent No.2.

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.0317 dated 22.11.2022, under Section 498-A IPC registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana (Annexure P-1), on the basis of compromise/affidavits dated 17.05.2023 (Annexures P-3 and P-4) executed by both the parties in respect of their mutual settlement.

[2] Learned counsel for the petitioner *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 the matter has been settled

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between the petitioner and respondent No.2 and affidavits dated 17.05.2023 (Annexures P-3 and P-4) have been executed by both the parties in respect of their mutual settlement.. He submits that petitioner-husband and respondent No.2-wife are living together, 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] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[5] On 12.03.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 19.04.2024 received from the Judicial Magistrate 1st Class, Ludhiana forwarded through the office of District and Sessions Judge, Ludhiana, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioner has not been declared as 'Proclaimed Offender'. As per the statement of ASI Gurmail Singh, challan has not been presented as cancellation report has been prepared on 21.01.2024 by the concerned SHO, Police Station Sahnewal, Ludhiana.

[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

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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.0317 dated 22.11.2022, under Section 498-A IPC registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

30.05.2024
P.Bhatt

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