



Sr. No.284

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

**CRM-M-10906-2024
Date of decision: 03rd July 2024**

TALWINDER SINGH AND OTHERSPetitioners

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. D.S. Virk, Advocate
for the petitioners.

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

Mr. Arshdeep Singh Brar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.63 dated 24.04.2021, under Sections 498-A, 406 IPC, 1860, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 26.10.2023 (Annexure P-2), executed between the parties.

2. This Court, vide order dated 21.03.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, the parties have appeared before the Sub-Divisional Judicial Magistrate, Baghapurana and got their statements recorded.

On the basis of the statements so recorded, the learned Magistrate has submitted report dated 07.05.2024 with the following observations:-



“xxx xxx xxx xxx

- (i) That the statements of parties have been recorded in presence of their counsels. So, I am satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.
- (ii) That as per the statements of Gurwinder Singh special power of attorney of complainant Karamjit Kaur, accused persons and ASI Boota Singh investigating officer, there is one complainant/victim and three accused persons who are party to the compromise.
- (iii) That as per the statement of ASI Boota Singh investigating officer, no additional accused has been added during investigation.
- (iv) That as per the statements of accused persons as well as ASI Boota Singh investigating officer, no accused is a proclaimed offender.
- (v) That as per the statement of ASI Boota Singh investigating officer after the registration of FIR no offence was added or deleted during investigation
- (vi) That as per the statement of ASI Boota Singh investigating officer, no investigation is pending against any of the accused nor any accused has been declared as innocent.

xxx xxx xxx xxx”

- 4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.
- 5. 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 instant FIR.
- 6. Following the principles laid down by the Full Bench judgment of this Court in “**Kulwinder Singh and others Versus State of Punjab and another 2007**” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “**Gian Singh Versus State of Punjab and others**” (2012) 10 SCC 303, this petition is allowed and FIR No.63 dated 24.04.2021, under Sections 498-A, 406 IPC, 1860, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all



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

7. 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 deed dated 26.10.2023 (Annexure P-2) are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03rd July 2024
simran

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