

299

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-48955-2023 IN/&
CRM-M-12204-2023 (O&M)
Date of Decision: 06.05.2024

MANDEEP SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vivek Singla, Advocate for the petitioners.

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

Mr. Shubham Mehta, Advocate for respondent No.2.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-48955-2023

[1] This is an application for placing on record the order dated 16.12.2017 and judgment dated 09.04.2019 as Annexures P-3 and P-4 respectively. The same are allowed to be taken on record.

[2] Registry is directed to tag the same at the appropriate place.

[3] Disposed of.

Main case

[4] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.75, dated 13.11.2021, registered at Police Station Sehna, District Barnala under Sections 406, 498-A of the IPC and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 28.02.2023 (Annexure P-2) executed between the parties.

[5] Learned counsel for the petitioners *inter alia* contends that the

FIR was registered at the instance of respondent No. 2 due to matrimonial dispute, which stands resolved now. All the terms and conditions of compromise deed dated 28.02.2023 (Annexure P-2) have been complied with. A joint petition under Section 13-B of the Hindu Marriage Act has been allowed by the Family Court, Barnala on 11.09.2023. It is further contended that FIR No. 15 dated 12.02.2017 under Sections 498-A, 406, 323, 506, 34 IPC registered against petitioner No.1-Mandeep Singh at Police Station Mehal Kalan has been quashed by this Court vide judgment dated 16.12.2017 passed in CRM-M-10348-2017 (Annexure P-3) whereas petitioner No.1-Mandeep Singh has been acquitted in FIR No. 73 dated 18.08.2018 under Sections 363, 366-A and 376 IPC registered at Police Station Mehal Kalan by the trial Court vide judgment dated 09.04.2019 (Annexure P-4).

[6] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and submits that respondent No. 2 does not want to take any action in the present FIR.

[7] On 13.03.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[8] As per the report dated 12.04.2023, received from the learned Judicial Magistrate First Class, Barnala 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".

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

[10] 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.

[11] Consequently, this petition is allowed and FIR No. 75, dated 13.11.2021, registered at Police Station Sehna, District Barnala under Sections 406, 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[12] 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 28.02.2023 are violated.

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

06.05.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No