



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

316

CRM-M-15107-2024 (O&M)
Date of decision: 01.08.2024

HARVINDER KUMAR AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. B.S. Baath, Advocate
for the petitioners.

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

Mr. Ritesh K. Sharma, 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.0004 dated 05.05.2018, under Sections 498-A, 406, 120-B IPC registered at Police Station NRI, District Shaheed Bhagat Singh Nagar (Annexure P-1) and judgment and order dated 04.10.2018 on the basis of compromise deed dated 14.12.2021 (Annexure P-2) 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 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled



between the petitioners and respondent No.2; and compromise deed dated 14.12.2021 (Annexure P-2) has been executed between them. He submits that an *ex parte* decree of divorce dated 24.01.2023 has already been passed by the Family Court, SBS Nagar in a petition filed on behalf of respondent No.2-wife and the petitioner No.1-husband has not challenged the said *ex parte* decree of divorce. As per the compromise, petitioner No.1-husband has already paid a sum of Rs.17 lakhs to respondent No.2 for her past, present and future maintenance as well as permanent alimony, as such respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties. He further confirms about receipt of sum of Rs.17 lakhs from the petitioner No.1.

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

[5] On 27.05.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. The said order reads as under:

2. Learned counsel for the petitioners inter alia contends that the FIR was registered on account of a matrimonial dispute inter se petitioner No.1-Harvinder Kumar and respondent No.2-Ram Kumari, which has now been amicably settled and *ex parte* decree of divorce dated 24.01.2023, has been passed by the Family Court, S.B.S. Nagar in a petition filed on behalf of respondent No.2-wife. The petitioner No.1-Harvinder Kumar has not challenged the said *ex parte* decree of divorce and even the matter regarding maintenance has been settled. The parties agreed that the petitioner No.1-husband would pay a sum of Rs.17,00,000/- to respondent No.2-wife as permanent alimony and the said amount has already been received by respondent No.2. Petitioners No.2 to 5 are the family members of petitioner No.1. Respondent No.2 does not want to take any action against the petitioners and she has no objection if the



present FIR is quashed.

3. Notice of motion.

4. On the asking of the Court, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State.

5. Mr. Ritesh K. Sharma, Advocate, accepts notice on behalf of

respondent No.2 filed his power of attorney in Court today, which is taken on record and he confirms about factum of compromise between the parties.

6. Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

7. Adjourned to 01.08.2024.

8. Both the parties shall assist the Court, as to whether, the petition for quashing of the FIR is maintainable.

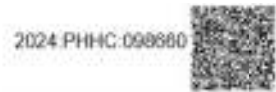
9. In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 04.07.2024 for recording of their statements.

After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing.'

[6] As per the report dated 09.07.2024 received from Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar forwarded through the office of District and Sessions Judge, SBS Nagar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. As per the report, statement of Ms. Kamlesh Rani being attorney of petitioners-Harvinder Kumar, Rattan Lal, Priya Rani, Kulvinder Pal and Kamaljit Kaur has been recorded. Similarly, statement of Jaswinder Kaur attorney of complainant-Ram Kumari has been recorded. Apart from this, statement of the Investigating Officer-ASI Sohan Singh has also been recorded. As per the report, the petitioners have not been declared as 'Proclaimed Offenders'.

[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.0004 dated 05.05.2018, under Sections 498-A, 406, 120-B IPC registered at Police Station NRI, District Shaheed Bhagat Singh Nagar (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

01.08.2024

P.Bhatt

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