

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

276

CRM-M-18277-2023 (O&M)
Date of decision: 31.01.2024

MANPREET KAUR AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Komalpreet Kaur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0173 dated 20.10.2022 registered at Police Station Dasuya, District Hoshiarpur under Sections 323, 324, 406, 498-A, 34, 201 of the IPC on the basis of compromise dated 17.03.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner No.2-Amandeep Singh-husband and respondent No.2-Manmeet Kaur-wife, which has now been settled and written compromise dated 17.03.2023 (Annexure P-2) has been executed between the parties. He further contends that in pursuance to the said compromise which has been effected in the presence of the

members of the Panchayat, a consent judgment of divorce has been granted by the Court at State of Michigan in the Circuit Court for the County of Kent vide order dated 10.05.2023. Copy of the said order is submitted today in Court, which is taken on record. He submits that the petitioner had also appeared before the trial Court and he was granted protection under Section 438 (2) Cr.P.C. by the Additional Sessions Judge, Hoshiarpur vide order dated 24.01.2024. Copy of the bail application is submitted in Court today, which is taken on record. He further submits that respondent No.2 does not want to take any action in the present FIR. Petitioner No.1 is sister-in-law, petitioner No.2 is husband, petitioner No.3 is father-in-law and petitioner No.4 is mother-in-law of respondent No.2.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 17.04.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the Illaqa/Duty Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 08.09.2023 of Court of Ms. Parminder Kaur Bains, Sub Divisional Judicial Magistrate, Dasuya, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Satinder Singh have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel has not raised any objection regarding the

acceptance of the present petition.

[7] The Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end the litigation and a consent judgment of divorce has been granted by the Court at State of Michigan in the Circuit Court for the County of Kent vide order dated 10.05.2023, as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.0173 dated 20.10.2022 registered at Police Station Dasuya, District Hoshiarpur under Sections 323, 324, 406, 498-A, 34, 201 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

31.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No