

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

290

CRM-M-17653-2024(O&M)  
Date of decision: 16.05.2024

VINOD OHRI AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Aazam Khan, Advocate for  
Mr. M.K. Sharma, Advocate  
for the petitioners.

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

Mr. Ritesh Pandey, Advocate  
for respondent No.2.

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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.291 dated 08.11.2013, under Sections 498-A, 406, 34 IPC registered at Police Station Dina Nagar, District Gurdaspur (Annexure P-1) including the summoning order dated 04.01.2020 passed in protest petition No.UCR-38 of 2016 (Annexure P-2) on the basis of compromise deed dated 20.01.2024 (Annexure P-3) executed between the parties.

[2] On 10.04.2024, this Court passed the following order:

“The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 291 dated 08.11.2013 registered at Police Station Dina Nagar, District Gurdaspur under Sections 498-A, 406, 34 IPC, on the basis of compromise dated 20.01.2024 (Annexure P-3) between the parties.

Learned counsel for the petitioners *inter alia* contends that the FIR was registered due to matrimonial dispute *inter se* petitioner No.1 and respondent No.2. Initially, the cancellation report was presented by the investigating agency after registration of the FIR. However, respondent No.2 filed a protest petition upon which cognizance has been taken by the trial Court and summoning order dated 04.01.2020 (Annexure P-2) has been passed. Now the matter stands settled. Petitioner No.1 and respondent No.2 have filed a joint petition under Section 13-B of the Hindu Marriage Act before the Family Court, Gurdaspur as per compromise, Annexure P-3.

Notice of motion.

Ms. Himani Arora, A.A.G., Punjab accepts notice on behalf of the State. The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Mr. Ritesh Pandey, Advocate has filed power of attorney on behalf of respondent No.2, which is taken on record and he confirms about factum of compromise between the parties.

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

Adjourned to 16.05.2024.

The parties are directed to appear before the trial Court/Illaqa Magistrate up-to 20.04.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured, if any, the trial Court/Illaqa Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III. Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV. Whether any accused is a Proclaimed Offender?

V. Whether after the registration of the FIR any offence was added or deleted during investigation?

VI. Whether investigation is pending against any of the accused or any accused has been declared as innocent.”

[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 10.04.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the

compromise.

[6] As per the report dated 23.04.2024 received from the Judicial Magistrate 1<sup>st</sup> Class, Gurdaspur forwarded through the office of District and Sessions Judge, Gurdaspur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners have not been declared as 'Proclaimed Offenders'. Statements of all the accused/petitioners and respondent No.2 have been recorded. As per the statement of Investigating Officer, petitioners No.1 to 4 were arrayed as accused in the present FIR. However, in the protest petition filed by the complainant-Shailza, petitioners No.1 to 7 were summoned vide order dated 04.01.2020 passed by Sh. Tarunpreet Singh, the then learned Judicial Magistrate 1<sup>st</sup> Class, Gurdaspur (Annexure P-2). Respondent No.2 has stated that matter has been settled between the parties.

[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 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.291 dated 08.11.2013, under Sections 498-A, 406, 34 IPC registered at Police Station Dina Nagar, District Gurdaspur (Annexure P-1) including the summoning order dated 04.01.2020 passed in protest petition No.UCR-38 of 2016 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua

the petitioners.

[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 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN )  
JUDGE

16.05.2024

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|---------|---------------------------|--------|
| P.Bhatt | Whether speaking/reasoned | Yes/No |
|         | Whether reportable        | Yes/No |