

288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19414-2023 (O&M)
Date of Decision: 19.03.2024

NAVNIT SINGH AND OTHERS

.....PETITIONERS

Vs.

UNION TERRITORY, CHANDIGARH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Yoginder Nagpal, Advocate,
for the petitioners.

Mr. H.S. Gharoo, Advocate, for
Mr. Amit Kumar Goyal, A.P.P. for U.T., Chandigarh.

Mr. Robert Kanwar, 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. 35 dated 03.06.2021, under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*'), registered at Police Station Sector 17, Chandigarh, on the basis of compromise deed dated 21.02.2023 (Annexure P-2) arrived at between the parties.

[2] Counsel for the petitioners contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the petitioner No. 1. A compromise deed dated 21.02.2023 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also

been filed before the learned Family Court, Chandigarh. As per the terms of the compromise, petitioner No. 1 will paid a sum of ₹3,00,000/- in respect of past, present and future maintenance to respondent No.2-complainant. Out of the said amount ₹2,00,000/- (₹1,00,000/- has already been paid at the time of filing the petition under Section 13-B of the Hindu Marriage Act, and a demand draft bearing No. 869127, dated 25.04.2023, amounting to ₹1,00,000/- has also been given to respondent No. 2 at the time of recording of the first motion statements). The remaining amount of ₹1,00,000/- will be paid at the time of recording of the second motion statements.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2-complainant has no objection if the present FIR against the present petitioners is quashed by this Court.

[4] On 20.04.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 29.04.2023 received from the Judicial Magistrate, Ist Class, Chandigarh, through the District & Sessions Judge, Chandigarh, the statements of petitioner No. 1-Navnit Singh, respondent No. 2-complainant and ASI Hawa Singh, Belt No. 3033, Posted at Women Police Station, Sector-17, Chandigarh, were recorded. The statements of Amarjeet Singh and Gurnit Singh (petitioners No. 2 and 3) could not be recorded as they did not appear before the trial Court.

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

[7] The FIR was got registered at the instance of respondent No. 2-complainant. She appeared before the trial Court and categorically stated that with the intervention of the respectables and friends, the matter has been compromised, as per the compromise deed dated 21.02.2023 (Annexure P-2). The trial Court has reported that the compromise has been genuinely made out of the free will of the parties, without any coercion, voluntarily and genuine. The complainant has also stated that a divorce petition is pending for second motion statements before the Family Court, Chandigarh for 28.08.2023 and she has received a demand draft bearing No. 869127, dated 25.04.2023, amounting to ₹1,00,000/- from accused-petitioner Navnit Singh, the remaining amount of ₹1,00,000/- will be paid on second motion hearing.

[8] Since the compromise is found to be genuine and the fact that it was a matrimonial which has now amicably been resolved and keeping in view 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. 35 dated 03.06.2021, under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*'), registered at Police Station Sector 17, Chandigarh, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-Sumanjit Kaur and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 21.02.2023 (Annexure P-2) are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No