

Sr. No.123+290
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-18087-2024 in/and
CRM-M-18978-2023
Date of decision: 29th April, 2024

KAWALJEET SINGH AND ANOTHER**Petitioners**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sheena Dahiya, Advocate for
Mr. Kanwal Goyal, Advocate
for the petitioner.

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

Mr. Simranjot Singh, Advocate for
Mr. Shobhit Rapria, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-18087-2024

The present application has been filed under Section 482 Cr.P.C. for impleading Surinder Kaur, w/o Avtar Singh, r/o House No.466, Dhankasu Road, Dev Nagar Colony, Ward No.4, near Baba Mod, Rajpura, Patiala, as petitioner No.2 and for placing on record the amended memo of parties.

Keeping in view the averments made in the application, the same is allowed. Surinder Kaur w/o Avtar Singh, is impleaded as petitioner No.2 in the present petition. Amended memo of parties is taken on record. Registry to tag the same at the appropriate place.

CRM-M-18978-2023

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.62 dated 17.03.2017, under

Sections 406, 498-A IPC, 1860, registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1), on the basis of compromise deed dated 10.10.2022 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 10.10.2022 (Annexure P-2). The parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, has already been filed by them before the learned Principal Judge, Dera Bassi (Camp Court). The petitioner No.1-husband has paid an amount of Rs.2,50,000/- to respondent No.2-wife as permanent alimony. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 14.11.2023, 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 20.12.2023, received from the Sub-Divisional Judicial Magistrate, Dera Bassi, through the District & Sessions Judge, SAS Nagar, 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" and they are not involved in any other criminal case.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that out of the 03 accused persons named in the FIR, Avtar Singh has died.

[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, the present petition is allowed and FIR No.62 dated 17.03.2017, under Sections 406, 498-A IPC, 1860, registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 10.10.2022 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

29th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No