



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

268

CRM-M-20164-2023 (O&M)
Date of decision: 17.09.2024

RAJESH SHARMA AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Umesh Aggarwal, Advocate
for the petitioners.

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

Mr. HPS Bhinder, 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.53 dated 16.10.2022, under Sections 406 and 498-A IPC registered at Police Station Women Cell, Amritsar (Annexure P-1), on the basis of compromise dated 06.02.2023 (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-complainant on account of a matrimonial dispute between the petitioners and respondent No.3. He further contends that the matter has been settled between the parties in the Mediation and Conciliation Centre of this Court, as such, respondents No.2 and 3 do not want to take any action in the FIR.



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

[4] On 24.04.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. Thereafter, another opportunity was granted to the parties for recording of their statements regarding the compromise as per order dated 22.09.2023. Initially, Judicial Magistrate 1st Class, Amritsar had sent a report dated 20.09.2023, wherein it was mentioned that one of the parties had not appeared, as such, no opinion regarding genuineness of the compromise could be given. However, statement of Ramesh Sharma-complainant was recorded.

[5] Vide order dated 22.07.2024 passed by this Court, the parties were directed to appear before the Mediation and Conciliation Centre of this Court. As per report dated 30.08.2024 of Mediator, Mediation and Conciliation Centre of this Court, compromise has been effected and compromise deed and settlement has been duly executed between the parties and they have signed the same. As per the said settlement, the second party-wife/complainant has no objection in case proceedings in the present FIR are quashed.

[6] Today, learned counsel for respondent No.2 has confirmed the factum of execution of the said settlement in the Mediation and Conciliation Centre of this Court.

[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.53 dated 16.10.2022, under Sections 406 and 498-A IPC registered at Police Station Women Cell, Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondents No.2 and 3 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

17.09.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No