

2024.PHHC.083425



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233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19865-2024 (O&M)

DATE OF DECISION : 05.07.2024

LOVEPREET SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Anmol Jeevan Singh Gill, Advocate for the petitioner.

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

Mr. Gursharan Singh, Advocate for

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

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 50, dated 11.07.2023 registered under Sections 406 and 498-A of IPC at Police Station Women, District SAS Nagar and all consequential proceedings arising therefrom on the basis of the compromise deed/settlement agreement dated 25.01.2024 (Annexure P-2) executed between the parties.

2. This Court, vide order dated 23.04.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, the parties have appeared



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before the Judicial Magistrate Ist Class, SAS Nagar and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 29.05.2024. Relevant portion of the said report reads as under:-

“xxx xxx xxx xxx

1. It appears from the statement of the Investigating Officer that there is only one person arrayed as accused in the FIR who has appeared and made statement. None of the accused is absconding/proclaimed persons in the case.
2. It appears from the statement of Investigating Officer that there is only one complainant/injured/aggrieved person in the present case namely Gurbinder Kaur. She has made statement.
3. The case is pending for investigation as the final report u/s 173 CrPC has not yet been filed.
4. The compromise seems to be genuine, voluntary and out of the free Will of the parties.
5. It appears from the statement of Investigating Officer that accused is not involved in any other criminal case.”

4. Neither learned State counsel nor counsel for respondent No.2 have disputed the factum of compromise between the parties.

5. The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “**Kulwinder Singh and others Versus State of Punjab and another 2007**” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “**Gian Singh Versus State of Punjab and others**” (2012) 10 SCC 303, the present petition is allowed and FIR No. 50, dated

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11.07.2023 registered under Sections 406 and 498-A of IPC at Police Station Women, District SAS Nagar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

7. However, 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 dated 25.01.2024 are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

05.07.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No