

CRM-M-21387-2023 (O&M)

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2024:PHHC:039340

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21387-2023 (O&M)

Date of Decision: 19.03.2024

GAGANDEEP SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

Mr. Ajay Kumar, 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. 81 dated 06.10.2021, under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*'), registered at Police Station Women Cell, District Amritsar (Annexure P-1), on the basis of compromise dated 27.03.2023 (Annexure P-2) arrived at between the parties.

[2] Counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A compromise dated 27.03.2023 (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 in which decree of divorce has also been granted. A copy of the judgment and decree dated 28.09.2023

passed by the learned Family Court, Amritsar, has been supplied in Court today. The same is taken on record

[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 has no objection if the present FIR against the petitioner is quashed.

[4] On 12.05.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 18.07.2023, received from the Judicial Magistrate, Ist Class, Amritsar, through the District & Sessions Judge, Amritsar, , compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case and 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. 81 dated 06.10.2021, under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short '*the IPC*'), registered at Police Station Women Cell, District Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Sirjana Kaur and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 27.03.2023 are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes/No

Yes/No