

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21872-2023
Date of decision: 08.01.2024

DEEPAK SHARMA AND ORS

.....Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Arora, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. P.S. Kanwar, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.211 dated 10.06.2014, under Sections 498-A, 406, 506, 323, 148, 149 120-B and 313 IPC, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1), on the basis of compromise dated 01.03.2023 (Annexure P-2), between the parties.
2. It is contended on behalf of the petitioners that compromise has been effected between the parties. Marriage between petitioner No.1-husband and respondent No.2-wife has been dissolved by way of decree of divorce dated 19.09.2023, filed under Section 13-B of the Hindu Marriage Act, 1955, passed by the Court of Ms. Rajni Chokra, Principal Judge, Family Court, District Tarn Taran. A sum of Rs.9,00,000/- has been paid to respondent No.2-wife with regard to maintenance of the minor daughter and respondent No.2-wife. He further contends that respondent No.2-wife does not want to take any action against the petitioners in the present FIR.
3. Learned counsel appearing on behalf of respondent No.2/complainant has confirmed the factum of compromise between the parties.
4. As per order dated 02.05.2023, the parties were directed to appear before the

5. The report dated 19.09.2023 of the learned Additional Sessions Judge, Tarn Taran, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“2. Complainant Deepti Sharma has suffered a statement that she is the complainant of this case wherein. She has voluntarily compromised the matter and now she does not want to take any further action against the accused persons of this case FIR. Apart from her other aggrieved person is her minor daughter namely Sunaina who is aged about 9 years and as per compromise minor daughter has been paid Rs.4.5 Lacs by way of FDR in her name and she also has received the remaining amount of Rs.2.5 Lacs by way of demand draft. Now she has no claim against the accused. She also has stated that apart from this case FIR no other criminal case is pending between them. No accused person has been declared proclaimed offender in this case FIR. She further has stated that she had filed a petition under Section 13-B of Hindu Marriage Act to get her marriage dissolved by way of mutual consent in which they both have recorded their statements in the second motion. She has also withdrawn her petition filed under Section 125 Cr.P.C. She has stated that this compromise has been arrived at between them without any force or pressure. She will remain bound by the compromise. She has no objection if this case FIR is quashed by Hon'ble High Court.

3. To similar effect the statement of accused/husband Deepak Sharma, accused mother-in-law namely Veena Sharma and accused sister-in-law namely Nidhi Sharma have been recorded separately.

4. From the statements made by the parties, it is inferred that compromise has been arrived at between the parties which appears to be valid, genuine and is not result of any pressure or coercion in any manner. As per the statements of the parties, there are no other criminal proceedings pending against either of the parties who are the only accused and arrayed as petitioners in the petition pending before Hon'ble High Court. Apart from complainant, her minor daughter namely Sunaina is the aggrieved party. None of the parties have been declared a proclaimed offender.”

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

7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable

offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

8. The matter has been settled between the parties. A sum of Rs.9,00,000/- has been paid to respondent No.2-wife with regard to maintenance of minor daughter and respondent No.2-wife. Since respondent No.2-wife does not want to take any action against the petitioners and marriage between petitioner No.1-husband and respondent No.2-wife has been dissolved by way of decree of divorce dated 19.09.2023, passed by the Court of learned Principal Judge, Family Court, Tarn Taran, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

9. Consequently, this petition is allowed and FIR No.211 dated 10.06.2014, under Sections 498-A, 406, 506, 323, 148, 149, 120-B and 313 IPC, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

10. 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 dated 01.03.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

08.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No