

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22273-2023 (O&M)
Date of decision: 04.04.2024

BHUPINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Ms. Mrinal Dewan, Advocate for
Mr. R.S. Pathania, 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.302 dated 15.12.2015, under Section 498-A IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1), on the basis of compromise deed dated 25.04.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner-husband and respondent No.2-wife and compromise deed dated 25.04.2023 (Annexure P-2) has been executed between them. He submits

that petitioner-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, which has already been allowed by the Family Court, Hoshiarpur vide judgment and decree dated 09.01.2024, as such, respondent No.2 does not want to take any action in the present FIR. Copy of the said decree of divorce is submitted in the Court today, which is taken on record.

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

[4] On 10.01.2024, 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 20.03.2024, received from the Sub Divisional Judicial Magistrate, Dasuya through the District & Sessions Judge, Hoshiarpur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioner and he has not been declared "Proclaimed Offender".

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

[7] Since the matter has been settled between the parties and the parties have buried the hatchet and given quietus to the matter and 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.302 dated 15.12.2015, under Section 498-A IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1), and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, the 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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

04.04.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No