

Sr. No.300(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22504-2023
Date of decision: 08th May, 2024

RAKESH KUMAR YADAV**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.S. Gill, Advocate
for the petitioner.

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

Mr. Manna Singh, Advocate for
Mr. F.S. Virk, 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.14 dated 08.08.2014, under Sections 498-A, 494, 34 IPC, 1860, registered at Police Station NRI, District Jalandhar City (Annexure P-1), on the basis of compromise deed dated 24.02.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 24.02.2023 (Annexure P-2), as per which, the entire payment of Rs.19,00,000/- has been made by the petitioner-husband to respondent No.2-wife and decree of

divorce has been passed by the Family Court, Jalandhar.

[3] On 05.05.2023, the parties were directed to appear before the concerned Illaqa/Duty Magistrate for recording of their statements and following order was passed:-

“xxx xxx xxx xxx

Learned counsel for the petitioner submits that the petition under Section 13-B of the Hindu Marriage Act has been filed.

Notice of motion.

On the asking of Court, Mr. Pankaj Khullar, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. F.S. Virk, Advocate accepts notice and filed his Power of Attorney on behalf of respondent No.2, which is taken on record.

Learned counsel for respondent No.2 has very fairly submitted that respondent No.2-wife has received the part payment, which demonstrates that the compromise has been put into effect between the parties.

Adjourned to 18.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 04.07.2023 or any other date, as the Court below may decide or fix, for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

Learned counsel for respondent No.2 is directed to file his Power of Attorney within five working days from today.

xxx xxx xxx xxx”

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

[5] On 05.05.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] Report dated 06.07.2023 has been received from the Chief Judicial Magistrate (NRI Court), Jalandhar, through the District & Sessions Judge, Jalandhar, as per which, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Relevant portion of the report reads as under:-

“XXX XXX XXX XXX

5. Therefore as per the statement of the parties, the report is submitted as under:-

a) That the FIR has been registered against three accused namely Rakesh Kumar, Tilak Raj and Chinta Devi on the complaint of Chanchal.

b) That during the trial Meena and Raj Kumar were summoned as additional accused U/s 319 Cr.P.C.

c) That during the trial the accused Rakesh Kumar Yadav was declared as proclaimed offender vide order dated 19.12.2014. The Hon'ble High Court vide order dated 05.05.2023 passed in CRM-M-22508-2023 stayed the operation of order dated 19.12.2014. The accused Rakesh Kumar had thereafter surrendered before the present Court and he has been granted the concession of bail vide order dated 25.05.2023.

d) That vide Judgment dated 28.02.2018 passed by the learned Chief Judicial Magistrate, NRI Court, Jalandhar, the accused Tilak Raj, Chinta Devi, Raj Kumar and Meena have been acquitted.

e) That as per the statement of the Investigating Officer the accused has not been declared as a proclaimed offender in any other criminal case.

Further, there is no other criminal case pending against any of the party.

f) That as per the statement of the complainant and the statement of the accused, the compromise is genuine, voluntary, without any threat or coercion and out of free will of the parties. The same is not a result of fraud or misrepresentation.

xxx xxx xxx xxx”

[7] It has further been reported by the Magistrate that the petitioner has tendered a cheque for the remaining amount of Rs.9,00,000/- in full and final settlement of the claim of the complainant against him. Statement of complainant-Chanchal has also been recorded, who has confirmed the receipt of the said payment.

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

[9] The matrimonial dispute between the parties stands settled. 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.

[10] Consequently, the present petition is allowed and FIR No.14 dated 08.08.2014, under Sections 498-A, 494, 34 IPC, 1860, registered at Police Station NRI, District Jalandhar City (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[11] 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 deed dated 24.02.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

08th May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>