

Sr. No.272

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24036-2023
Date of decision: 05th February, 2024

GURTESHWAR SINGH AND OTHERS**Petitioners**

versus

STATE OF UT CHANDIGARH AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 22.06.2019, under Sections 406, 498-A IPC, registered at Women Police Station, Sector 17, Chandigarh (Annexure P-1), on the basis of compromise dated 18.04.2023 (Annexure P-2) between the parties.

[2] The present FIR was registered at the instance of respondent No.2 Jasneet Kaur. As per the paper book, the marriage of petitioner No.1 was solemnized with respondent No.2 on 22.10.2017. The FIR was registered at the instance of respondent No.2-wife on account of matrimonial discord. However, now the matter has been settled between the parties as per written settlement/compromise dated 18.04.2023 (Annexure P-2). The petitioner-husband has agreed to make payment of Rs.5,00,000/- as full and final settlement qua permanent alimony to the respondent-wife. Both the parties have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955.

[3] On 11.05.2023, following order was passed by the Coordinate Bench of this Court:-

“xxx xxx xxx xxx

Notice of motion.

On the asking of Court, Ms. Roopse Sharma, Advocate for Mr. Anil Kumar Lamdharia, Addl. P.P. U.T., Chandigarh, accepts notice on behalf of respondent No.1-State and Mr. Shubhjot Singh Chadha, Advocate accepts notice and filed Vakalatnama on behalf of respondent No.2, which is taken on record and admit the factum of compromise effected between the parties.

Adjourned to 10.10.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 03.08.2023 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 (petitioners) 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.

The petitioner is restrained from releasing an amount to the extent of Rs.25,000/- out of the compromise amount, which shall be released on the final order passed by this Court.

xxx xxx xxx xxx”

[4] As per the above-said order dated 11.05.2023, the parties were directed to appear before the Area Magistrate/Duty Magistrate for recording of their statements to verify about the genuineness and correctness of the compromise. Sh. Shubhjot Singh Chadha, filed *vakalatnama* on behalf of respondent No.2 and admitted the factum of compromise between the parties.

[5] The report dated 19.09.2023 of the Judicial Magistrate, Ist Class, Chandigarh, through the District & Sessions Judge, Chandigarh, has been received.

As per said report, the compromise between the parties is genuine. The statement of the complainant-Jasneet Kaur was recorded on 03.08.2023 in the presence of her

counsel Sh. Shubhjot Singh Chadha, Advocate. The statement of the petitioners/accused persons namely Gurteshwar Singh, Ragbir Singh Mann and Gursimran Preet Kaur was also recorded in the presence of their counsel Sh. A.S. Gurjral, Advocate. The statement of ASI Sukhdev Singh, Belt No.2962/CP, presently posted at Women Police Station, Sector 17, Chandigarh, was also recorded. As per the said report, there is no accused other than the petitioners, who are arrayed in the present FIR. None of the accused has been declared as "Proclaimed Offender". The compromise is genuine and voluntarily made.

[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] It is a matrimonial dispute between the parties, which has been resolved amicably as per the compromise dated 18.04.2023 (Annexure P-2) and the petitioner-husband and respondent No.2-wife have agreed that a sum of Rs.5 lakhs will be paid by the petitioner-husband as full and final settlement qua permanent alimony to respondent No.2. Divorce petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed before the Family Court, Chandigarh. A sum of Rs.2,50,000/- has already been paid on the first date of hearing and it was further agreed that a sum of Rs.2,50,000/- will be paid at the time of final settlement in the divorce petition i.e. on 21.08.2023. Since the matter has been compromised

dispute, further pursuing with the prosecution of the petitioner would not be in the interest of justice, as such, 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.76 dated 22.06.2019, under Sections 406, 498-A IPC, registered at Women Police Station, Sector 17, Chandigarh (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 18.04.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

05th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>