

Sr. No.298

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23656-2023
Date of decision: 05th March, 2024

JATINDERPAL SINGH @ JATINDER SINGH AND ANOTHER
.....Petitioners

versus

STATE OF PUNJAB AND ANOTHER
.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vishva Bahl, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Ms. Rahi Mehra, 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.35 dated 25.07.2017, under Sections 406 and 498-A IPC (added in report under Section 173 Cr.P.C.), registered at Police Station Women, District Amritsar (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. With the intervention of the respectables, the parties have executed a compromise (Annexure P-2). Respondent No.2-wife is happily cohabiting with petitioner No.1-husband in her matrimonial home. She does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[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 12.01.2024, 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 petitioners have not been declared as “Proclaimed Offender” and they are 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.35 dated 25.07.2017, under Sections 406 and 498-A IPC (added in report under Section 173 Cr.P.C.), registered at Police Station Women, District Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

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

(HARPREET KAUR JEEWAN)
JUDGE

05th March, 2024
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*