

Sr. No.304

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

**CRM-M-25467-2023
Date of decision: 24th January, 2024**

ROHAN TANDON**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Salim Ahmed, Advocate for
Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.35 dated 26.04.2022, under Section 498-A IPC, registered at Police Station Women, District Police Commissionerate, Jalandhar (Annexure P-1), on the basis of compromise dated 06.05.2023 (Annexure P-2) 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 matrimonial discord between the parties. The marriage between the petitioner-husband and respondent No.2-wife was solemnized on 01.02.2018 and no child is born out of the said wedlock. The parties could not continue with their relationship and they have been living separately since March 2020. Learned counsel for the petitioner further contends that the parties had filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 in which, their statements have been recorded on first

motion. Now the parties are living together. They have decided to withdraw all the

pending cases. Respondent No.2-wife has executed her affidavit dated 06.05.2023 (Annexure P-2) stating that she does not want to pursue the present case against the petitioner-husband and she has no objection if the present FIR is quashed.

[3] On 18.05.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[4] The report dated 05.01.2024 of the Judicial Magistrate, Ist Class, Jalandhar, through the District & Sessions Judge, Jalandhar, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“The complainant has suffered statement that she has compromised the matter with accused. She and accused party will remain peacefully in the future as per compromise affected between them. She has compromised with the accused party, without any threat, inducement or any kind of pressure. Now there is no grudge against the accused party. She want to live peacefully in the society in future. She does not want to take any action against the accused in the present case. She has got no objection, if the present FIR against the above mentioned accused be quashed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been taken place with the free consent and without any pressure. There is no other person as accused involved in the occurrence given in the FIR. None of the accused have been declared P.O in this case. Similarly, the accused has also suffered statement to the effect that he has compromised with the complainant on behalf of the accused.

SI Nirmal Singh, No. 215/JCP posted at PS Women Cell, Jalandhar suffered statement that as per record the name of the complainant of the present case is Preeti Tandon and except her there is no other complainant in this FIR. The name of the accused person is Rohan Tandon. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per record the name of the complainant of the present case is Preeti Tandon and except her there is no other complainant in this FIR. The name of the

accused person is Rohan Tandon. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for prosecution evidence.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

[5] Learned State counsel has filed status report by way of affidavit of Sh. Barjinder Singh, PPS, Assistant Commissioner of Police, HQ/CAQ&C, Jalandhar, on behalf of respondent-State of Punjab, wherein, it has been mentioned that no other case is pending against the present petitioner. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[6] 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.

[7] The matter has been settled between the parties and the parties have decided to live together peacefully. There was a matrimonial dispute which has now been resolved. As such, this Court feels that the criminal proceedings deserve to be quashed.

[8] Consequently, this petition is allowed and FIR No.35 dated 26.04.2022, under Section 498-A IPC, registered at Police Station Women, District

Police Commissionerate, Jalandhar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 dated 06.05.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

24th January, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>