

244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26161-2023 (O&M)

Date of Decision: 20.04.2024

GURPREET SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Juhi, Advocate for
Mr. A.S.Khinda, Advocate, for the petitioners.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
None for respondent Nos. 2 to 4.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.98 dated 19.05.2018 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station City Kapurthala, District Kapurthala, along with all the subsequent proceedings arising therefrom, on the basis of a compromise deed dated 04.11.2022 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered by respondent No.2 on account of the matrimonial dispute between petitioner No.1 and respondent No. 2 which stands resolved now. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 29.07.2023 passed by the learned Principle Judge, Family Court, Kapurthala. Both the parties have also undertaken to withdraw the cases filed against each other.

respondent Nos. 2 to 4 had confirmed the factum of compromise between the parties.

[4] On 17.10.2023, 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 24.11.2023, received from the learned Judicial Magistrate First Class, Kapurthala, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioner No.1 was declared as "Proclaimed Offender but the order declaring him as proclaimed offender has been set aside by the Hon'ble High Court whereas petitioner no.2 has not been declared as "Proclaimed Offender". No other case is pending against them.

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

[7] 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.

[8] Consequently, this petition is allowed and FIR No. 98 dated 19.05.2018 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station City Kapurthala, District Kapurthala and all the

subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, 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 dated 04.11.2022 are violated.

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

20.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No