



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-25810-2024 (O&M)
Date of decision: 25.07.2024

GAMDUR SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Prabhjot Singh, Advocate
for the petitioners.

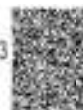
Mr. Rubal Pawar, AAG, Punjab.

Mr. K.B.S. Mann, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.19 dated 09.03.2024, under Sections 354-B, 498-A, 406, 34 IPC registered at Police Station Vairo Ke, District Fazilka (Annexure P-1), on the basis of compromise deed dated 14.05.2024 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioners and respondent No.2; and compromise deed dated 14.05.2024 (Annexure P-3) has been executed between them in the Mediation and



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Conciliation Centre of this Court. The said compromise is acceptable to all the parties.

[3] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

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

[5] On 21.05.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. The said order reads as under:

‘Learned counsel for the petitioners contends that as per order dated 08.04.2024 passed in CRM-M-17091-2024 (Annexure P-2) by this Court in a petition filed under Section 438 Cr.P.C., the matter was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement between the parties. He further contends that the matter has been settled between the parties and settlement deed dated 14.05.2024 (Annexure P-3) has been executed in the Mediation and Conciliation Centre of this Court, which is duly signed by the petitioners No.1 and 2 and attorney holder of petitioners No.3 and 4 as well as respondent No.2, as such respondent No.2 does not want to take any action in the FIR. In terms of the said settlement deed, petitioners are ready to submit a demand draft of Rs.3 lakhs in favour of respondent No.2 as first installment.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent No. 1-State.

Mr. K.B.S. Mann, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He has confirmed about factum of compromise between the parties and accepted a demand draft bearing No.009019 dated 09.05.2024 for a sum of Rs.3 lakhs in favour of respondent No.2. Copy of the said demand draft is annexed as Annexure P-4 in the paper book.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 04.07.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 02-07-2024 for recording of their statements. The



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trial Court may record the statement of the petitioners No.3 and 4 through the video conferencing subject to proper identification of the petitioners No.3 and 4 through their Counsel and by the respondent No.2/complainant. Statement of attorney holder of petitioners No.3 and 4 be also recorded. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaqa Magistrate send a report to this Court on the following facts well before the next date of hearing.'

[6] As per the report dated 03.07.2024 received from Judicial Magistrate 1st Class, Jalalabad (W) forwarded through the office of District and Sessions Judge, Fazilka, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'.

[7] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution of the petitioners in the present FIR.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.19 dated 09.03.2024, under Sections 354-B, 498-A, 406, 34 IPC registered at Police Station Vairo Ke, District Fazilka (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] 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



(Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

25.07.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No