276 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29132-2023 (O&M)
Date of Decision: 22.04.2024

KAMAL KANT DHAMIJA @ KAMLESH DHAMIJA AND OTHERS
... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mrs. R.K.Grewal, Advocate, for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Ms. Amisha, Advocate for
Mr. Vikas Malik, Advocate 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.151 dated 23.07.2020, registered at Police Station Nangal, District Rupnagar under Sections 406 and 498-A of the IPC, on the basis of Settlement deed dated 07.01.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered on account of matrimonial dispute between petitioner No.2 (Husband) and respondent No. 2 (wife) which stands resolved in the Mediation and Conciliation Center of this Court. The petitioner No.2 and respondent No.2 have decided to part ways by filing a joint petition for divorce by mutual consent under Section 13-B of Hindu Marriage Act. As

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per the report of the Mediator of the Mediation and Conciliation Center of this Court dated 07.01.2023 (Annexure P-2), respondent No.2 does not want to take any action in the present FIR against the petitioners.

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

[4] On 02.06.2023, 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 10.04.2024, received from the learned Judicial Magistrate First Class, Nangal, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender".

[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. 151 dated 23.07.2020, registered at Police Station Nangal, District Rupnagar under Sections 406 and 498-A of the IPC and all the subsequent proceedings

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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 Settlement dated 07.01.2023 are violated.

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

22.04.2024 (**HARPREET KAUR JEEWAN**)
Janki **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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