



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

319

CRM-M-28693-2024 (O&M)
Date of decision: 01.08.2024

ARSHAD MOHAMMAD @ ASHU AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Shantanu Bansal, Advocate
for the petitioners.

Mr. D.B. Singh, Sr. DAG, Punjab.

Mr. Sylvester, Advocate for
Mr. Ishwinderpal Singh, 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.08 dated 05.05.2023, under Sections 498-A and 406 IPC registered at Women Police Station, Malerkotla (Annexure P-1), on the basis of compromise deed dated 23.05.2024 (Annexure P-2) 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 23.05.2024 (Annexure P-2) has been executed between them. Both the parties i.e. petitioner No.1-husband and respondent No.2-wife are residing together, as such respondent No.2 does not want to take any action in the FIR.

[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 31.05.2024, 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 the FIR was registered at the instance of respondent No.2 due to a matrimonial dispute between the parties. The matter has been settled between the parties and compromise deed dated 23.05.2024 (Annexure P-2) has also been executed between them. He further contends that petitioner No.1-husband and respondent No.2-wife are living together, as such respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

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

Mr. Ishwinderpal Singh, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He confirms about factum of compromise between the parties.

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 01.08.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 10.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing.’

[6] As per the report dated 05.07.2024 received from Judicial Magistrate 1st Class, Malerkotla forwarded through the office of District and Sessions Judge, Sangrur, 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.08 dated 05.05.2023, under Sections 498-A and 406 IPC registered at Women Police Station, Malerkotla (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-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

01.08.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No