



Date of decision: 13.05.2024

...PETITIONERS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. R.S. Thakur, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Harjit Singh Gharoo, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.169 dated 07.07.2022 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Civil Lines Batala, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 26.04.2023. (Annexure P-2).

2. The following order was passed on 20.10.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.169 dated 07.07.2022 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Civil Lines Batala, District Gurdaspur, along with all the consequential proceedings arising therefrom, on the basis of a compromise dated 26.04.2023 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners would contend that the parties to the lis have since settled all their disputes and entered into a written compromise dated 26.04.2023 (Annexure P-



2). Learned counsel would further contend that prior to the compromise being reduced into writing, a petition under Section 13-B of the Hindu Marriage Act, 1955, was filed for dissolution of the marriage by way of a decree of divorce by mutual consent, which has since been granted vide judgment and decree dated 12.05.2023. Learned counsel for the petitioners has relied upon the judgment by the Hon'ble Supreme Court rendered in "**Gian Singh V/s State of Punjab & Anr.**" [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "**Kulwinder Singh & Ors. Vs. State of Punjab & Anr.**" [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab, accepts notice on behalf of respondent No.1-State. Mr. H.S. Gharoo, Advocate for Mr. R.P.S. Cheema, Advocate accepts notice for complainant respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 22.01.2024.

Meanwhile, the parties are directed to appear before the concerned Chief Judicial Magistrate/Illaq Magistrate/trial Court on 30.11.2023, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along with the statements of the parties, on the following points be sent to this Court before the next date of hearing:



- 1) *Whether the settlement/compromise dated 26.04.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) *Whether any other criminal cases are pending against the parties.*
- 3) *Whether any proclamation proceedings are pending against either of the parties.”*

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and FIR No.169 dated 07.07.2022 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Civil Lines Batala, District Gurdaspur and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 13, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No