

301 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-32934-2023
Date of decision: 15.01.2024

AMANJIT

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Tarun Kumar, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Hitesh Ghai, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.127 dated 27.06.2021, under Sections 406 and 498-A IPC, registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-1), on the basis of compromise dated 07.02.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioner that the matter has been compromised between the parties. Both the parties have no grudges against each other and respondent No.2-complainant has no objection if the present FIR is quashed. The marriage of the petitioner was solemnized with respondent No.2 on 14.10.2018 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 07.02.2023 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Ludhiana (Camp at Khanna)

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wherein the statements of the parties at the stage of first motion have been

recorded. The petitioner shall pay a sum of Rs.4,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.3,00,000/- has already been paid and the balance amount of Rs.1,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing due is payable to her. The custody of minor daughter shall remain with respondent No.2.

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

[4] On 06.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 20.11.2023 of the Judicial Magistrate, Ist Class, Khanna through the District & Sessions Judge, Ludhiana, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“In compliance of the said order, the parties i.e. complainant - Vandna Rani and the accused Amanjit appeared before the Court of undersigned and their statements were recorded. The photocopy of the compromise dated 07.02.2023 has been placed on record as Ex.C-1. The complainant-Vandna Rani, was duly identified by her counsel Shri R.R.Mehta, Advocate and complainant-Vandna Rani also placed on record copy of his Aadhar card as Mark-A. Accused Amanjit placed on record copy of his Aadhar cards as Mark-B, and he is identified by counsel Ms. Vatika Gaiind, Advocate. In view of the statements so suffered by the parties, this Court is of the considered view that the parties seem to have arrived at a voluntary compromise, which appears to be genuine and out of free will of the parties. Further the statement of Investigating Officer ASI Harjinder Singh No.665/Khanna has also been recorded by the undersigned. Further, this Court was also directed to furnish the information as under:

(i) Number of persons arraigned as accused in FIR.

It is hereby submitted that as per the statement of 10, there is one accused in the present FIR namely Amanjit

(ii) Whether any accused is proclaimed offender.

It is hereby submitted that in view of the statement of Investigating Officer of the present case the accused Amanjit has not been declared proclaimed offender in the present case.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

It is hereby submitted that statements were recorded in which the complainant Vandna Rani and the accused Amanjit expressed themselves having reached at a compromise. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion or undue influence between complainant and accused.

(iv) Whether the accused persons are involved in any other FIR or not.

It is hereby submitted that in view of the statement suffered by the Investigating Officer of the present case, the accused Amanjit is not involved in any other case.

(v) How many victims/complainants are there in the FIR.

It is hereby submitted that in view of the statement suffered by the Investigating Officer of the present case, there is only one victim/complainant namely Vandna Rani in the present FIR.”

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

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] Since the matter has been settled between the parties, the parties have no grudges against each other and respondent No.2-complainant has no objection if the present FIR is quashed, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.127 dated 27.06.2021, under Sections 406 and 498-A IPC, registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 07.02.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

15.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No