

Sr. No.301

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34248-2023
Date of decision: 05th March, 2024

RAHUL VERMA AND OTHERSPetitioners

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Navneet Jindal, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.39 dated 16.02.2023, under Sections 498-A, 406 IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1), on the basis of compromise dated 07.02.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. The matter has now been amicably settled and compromise dated 07.02.2023 (Annexure P-2) has been executed between the parties. The parties had filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 which has been decreed vide order dated 20.10.2023, passed by the Family Court, Patiala. As per the compromise (Annexure P-2), the petitioner-husband has paid a sum of Rs.3,35,000/- to respondent No.2-wife as full and final settlement towards past, present and future maintenance. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] On 15.11.2023, the parties were directed to appear before the trial Court/Ilqa Magistrate for recording of their statements regarding the compromise.

[4] As per the report dated 22.12.2023, received from the Sub-Divisional Judicial Magistrate, Rajpura, through the District & Sessions Judge, Patiala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender” and they are not involved in any other criminal case.

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

[6] Keeping in view the facts and circumstances of the case and 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.

[7] Consequently, this petition is allowed and FIR No.39 dated 16.02.2023, under Sections 498-A, 406 IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[8] However, the respondent No.2-wife 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

05th March, 2024
sim

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