

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235+123

CRM-M-34110-2023 (O&M)
Date of decision: 20.04.2024

DALWINDER SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Bhupinder Gupta, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Ms. Sumit Kalyan, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

CRM-17276-2024

1. The present application has been filed for placing on record copy of order dated 08.04.2024 and decree of divorce as Annexures A-1 and A-2.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexures A-1 and A-2 are taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0017 dated 08.09.2021, under Sections 498-A, 420, 120-B IPC registered at Police Station Women, District Ludhiana Rural (Annexure P-1), on the basis of compromise deed dated 31.05.2023 (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 31.05.2023 (Annexure P-2) has been executed between them. He submits that as per the compromise, both the petitioner No.3-husband and respondent No.2-wife have decided to separate permanently and in this regard, respondent No.2-wife has already filed a divorce case bearing HMA No.117/2022 against petitioner No.3-husband, which has been granted by the Additional Principal Judge, Family Court, Ludhiana vide judgment and decree dated 05.01.2023 (Annexure A-2) and now both the parties are bound to accept the said decision. He further submits that as per the compromise, petitioner No.3-husband has agreed to pay a sum of Rs.10,00,000/- to respondent No.2-wife towards settlement as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed 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 17.07.2023, 01.09.2023, 03.10.2023 and 08.12.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 09.11.2023 and 12.01.2024 received from the Judicial Magistrate 1st Class, Jagraon forwarded through the office of District and Sessions Judge, Ludhiana, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners are not involved in any other case and they have not been declared as 'Proclaimed Offenders'.

[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.0017 dated 08.09.2021, under Sections 498-A, 420, 120-B IPC registered at Police Station Women, District Ludhiana Rural (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

20.04.2024

P.Bhatt

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