

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRM-M-33367-2023 (O&M)
Date of decision: 06.02.2024

SURAJ SINGH AND ORS.

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Dinesh Nagar, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

Ms. Vibha, Advocate
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.0036 dated 16.02.2023 registered at Police Station City Kapurthala, District Kapurthala under Sections 406, 498-A of the IPC on the basis of compromise dated 17.03.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the parties. The marriage between the petitioner No.1 and respondent No.2 was solemnized on 02.08.2019 and a male child was born out of the wedlock. The matter has now been settled and written compromise deed dated 17.03.2023 (Annexure P-2) has been executed between the parties. He further contends that

petitioner No.1 and respondent No.2 have resumed cohabitation and respondent No.2 along with her minor child is residing in her matrimonial house with petitioner No.1, 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] As per order dated 29.08.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 30.09.2023 of Court of Mr. Jasvir Singh, Chief Judicial Magistrate, Kapurthala, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Ishru Parshad have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled

the same by mutually arriving to a compromise and they have decided to live together, as such, further continuing with the present FIR is not in the interest of the parties. 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.0036 dated 16.02.2023 registered at Police Station City Kapurthala, District Kapurthala under Sections 406, 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.02.2024

P.Bhatt

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