

CRM-M-34841-2023 (O&M) - 1 -

2023 : PHHC : 032750

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34841-2023 (O&M)

Date of Decision: 06.03.2024

ARUN SAINI AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.S.Manaise, Advocate for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Aniket Rao, Advocate for

Mr. Hardik Ahluwalia, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

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1. Prayer in the present application is for withdrawal of the main petition qua petitioner No.2-Sandeep Saini, petitioner No.4-Vikrant Kumar and petitioner No.5-Meena Saini on the ground that they have been declared innocent during the course of investigation.

2. Learned State counsel has confirmed this fact in terms of para No.14 of the status report. It is further mentioned in the report that DDR No. 28 dated 11.09.2022 has been recorded in this regard.

3. Accordingly, the application is allowed and petition stands dismissed as withdrawn qua petitioner Nos. 2, 4 and 5.

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4. Present application is for amendment of the head note and prayer clause of the petition.

5. It has been submitted that an offence under Section 323 IPC has been added subsequent to the registration of the FIR and the same has been sought to be incorporated in the present petition.
6. The amended head note and prayer clause is allowed to be taken on record.
7. Registry is directed to tag the same at the appropriate place.
8. Disposed of.

Main case

9. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 47 dated 05.06.2022 under Sections 506, 406, 498-A, 120-B, 323 IPC, registered at Police Station Taragarh, District Pathankot, on the basis of compromise dated 17.07.2023 (Annexure P-2) arrived at between the parties.
10. 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. Petitioner No.1-Arun Saini and respondent No.2-Neha Saini are living together as husband and wife along with their minor child.
11. Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties.
12. On 20.07.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.
13. As per the report dated 16.09.2023, received from the Judicial Magistrate, Ist Class, Pathankot through the District & Sessions Judge, Pathankot, compromise effected between the parties is genuine, voluntary and without any coercion or pressure.

14. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

15. 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.

16. Consequently, this petition is allowed and FIR No. 47 dated 05.06.2022 under Sections 506, 406, 498-A, 120-B, 323 IPC, registered at Police Station Taragarh, District Pathankot and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua petitioner Nos. 1 and 3.

17. However, the respondent No.2- Neha Saini and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 17.07.2023 are violated.

18. Pending miscellaneous application(s), if any, shall also stand disposed of.

06.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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