

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

283

CRM-M-35196-2023 (O&M)
Date of decision: 20.03.2024

VARUN KOCHHAR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Bharat Puri, Advocate for the petitioners.

Mr. D.B. Singh, Senior DAG Punjab.

Mr. R.S. Bajaj, 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.26 dated 10.03.2023, under Sections 406, 498-A, 324, 354 and 34 IPC; Sections 3 and 4 of the Dowry Prohibition Act, registered at Police Station Women Cell, District Police Commissionerate, Jalandhar (Annexure P-1), on the basis of compromise dated 13.07.2023 (Annexure P-2) arrived at 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. The petitioner No.1 is husband and petitioner No.2 is father-in-law of the respondent No.2. He further contends that matter has been settled between the parties and compromise dated 13.07.2023 (Annexure P-2) has been executed between them. As per the compromise, the petitioner No.1-

husband and respondent No.2-wife would file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, and a sum of Rs.16,50,000/- shall be paid to respondent No.2 as permanent alimony for past, present and future maintenance, 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] On 20.09.2023, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements regarding the compromise.

[5] As per the report dated 27.10.2023, received from the Judicial Magistrate, Ist Class, Jalandhar through the District & Sessions Judge, Jalandhar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offenders" and they are not involved in any other criminal case.

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

[7] 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.

[8] Consequently, this petition is allowed and FIR No.26 dated

10.03.2023, under Sections 406, 498-A, 324, 354 and 34 IPC; Sections 3 and 4 of the Dowry Prohibition Act, registered at Police Station Women Cell, District Police Commissionerate, Jalandhar, (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

20.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No