

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRM-M-37233-2023 (O&M)
Date of decision: 09.02.2024

PAWANDEEP SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Simerjeet Singh Bedi, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

Mr. Sanpreet Singh, 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.28 dated 07.02.2019 registered at Police Station Chatiwind, District Amritsar Rural under Sections 498-A, 323, 406, 506 and 34 of the IPC on the basis of compromise deed dated 04.07.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the marriage between the petitioner No.1 and respondent No.2 was solemnized on 16.11.2016 and due to a matrimonial dispute between the parties, the present FIR was registered. He further contends that the dispute has now been settled and written compromise deed dated 04.07.2023 (Annexure P-2) has been executed between the parties. He submits that the parties have also agreed to file a joint

petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Amritsar. He further submits that 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 01.08.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the CJM/Illaq 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 13.09.2023 of Court of Mr. Insan, Judicial Magistrate 1st Class, Amritsar, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Baljit Singh 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 on instructions from ASI Harjinder Singh 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 mutually

end the litigation and agreed to file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Amritsar, 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.28 dated 07.02.2019 registered at Police Station Chatiwind, District Amritsar Rural under Sections 498-A, 323, 406, 506 and 34 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

09.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No