

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRM-M-38117-2023 (O&M)
Date of decision: 16.02.2024

PARGAT SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Mandeep Singh, Advocate for
Mr. Vishal Mittal, Advocate for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Digvijay Nagpal, Advocate for
Ms. Shivani, 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.170 dated 10.08.2022 registered at Police Station Samana, District Patiala, Punjab under Sections 406 and 498-A of the IPC on the basis of compromise deed dated 26.05.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the marriage between the petitioner No.2 and respondent No.2 was solemnized on 14.12.2019 and the present FIR was registered on account of matrimonial dispute between the parties, which has now been settled and written compromise deed dated 26.05.2023 (Annexure P-2) has been executed between the parties. He further contends that as per the settlement, 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. 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 and contends that respondent No.2 has no objection for acceptance of the present petition.

[4] As per order dated 04.08.2023 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 29.09.2023 of Court of Mr. Parsmeet Rishi, Judicial Magistrate 1st Class, Samana, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Gurdev 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.

[6] Learned State counsel on instructions from the Investigating Officer of the case 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 all the litigation *inter se* the parties. They have also agreed to file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, 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.170 dated 10.08.2022 registered at Police Station Samana, District Patiala, Punjab under Sections 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners. However, the respondent No.2-wife and State shall be at liberty to seek cancellation of this order in case the final terms and conditions of the compromise deed (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

16.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No