

Sr. No.299

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-38137-2023
Date of decision: 07th May, 2024**

GULSHAN KUMAR AND ORS.Petitioners

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Mukesh Kumar Bhatnagar, 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.81 dated 03.04.2021, under Sections 406, 498-A IPC, 1860, registered at Police Station Phillaur, District Jalandhar (Annexure P-1), on the basis of compromise deed dated 19.07.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute *inter se* the petitioner No.1 and respondent No.2. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 19.07.2023 (Annexure P-2). The parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, had been filed by the parties, which has been allowed by the Family Court, Jalandhar vide judgment dated 09.02.2024. Copy of the same has

been submitted in the Court, which is taken on record. Respondent No.2 does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 04.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 02.09.2023, received from the Judicial Magistrate, Ist Class, Phillaur, through the District & Sessions Judge, Jalandhar, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case. Statement of ASI Balbir Chandi has also been recorded, as per which, the FIR was registered on the statement of Parveen Kumari @ Parveen Kaur against accused Gulshan Kumar. However, in the present case, 02 accused namely Gurbaksh Kaur @ Surinder Kaur and Jatinder Kumar have also been summoned under Section 319 Cr.P.C.

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

[7] The matrimonial dispute between the parties stands settled. Keeping in view 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, the present petition is allowed and FIR No.81 dated 03.04.2021, under Sections 406, 498-A IPC, 1860, registered at Police Station Phillaur, District 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 deed dated 19.07.2023 (Annexure P-2) are violated.

[10] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07th May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>