

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

287

CRM-M-39848-2023 (O&M)
Date of decision: 06.02.2024

UDHAM SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Himanshu Chhabra, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. J.S. Bhinder, Advocate for
Mr. Puneet Sharma, 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.40 dated 26.04.2023 registered at Police Station Dirba, District Sangrur under Sections 406, 498-A IPC on the basis of compromise dated 05.07.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the marriage between the petitioner and respondent No.2 was solemnized on 06.02.2022 and due to a matrimonial dispute between the petitioner-husband and respondent No.2-wife, the present FIR was registered. He further contends that the matter has now been settled and written compromise deed dated 05.07.2023 (Annexure P-2) has been executed between the parties. He submits that the parties

have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 and a decree of divorce has already been granted by Family Court, Sangrur (Annexure P-3). 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 16.08.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate 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 07.10.2023 of Court of Ms. Lovejinder Kaur, Judicial Magistrate 1st Class, Sunam, statements of petitioner and complainant-respondent No.2 as well as Investigating Officer-ASI Ravel Singh have been recorded. No accused has been declared as Proclaimed Offender in this case. She 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 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 even decree of divorce has already been granted by the Family Court, Sangrur (Annexure P-3), 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.40 dated 26.04.2023 registered at Police Station Dirba, District Sangrur under Sections 406, 498-A IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

(HARPREET KAUR JEEWAN)
JUDGE

06.02.2024

P.Bhatt

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