

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-41062-2023 (O&M)
Date of decision: 09.02.2024

AMANDEEP

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Aditya Dassaur, 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.0016 dated 07.02.2021 registered at Police Station Sadar Nawanshahar under Sections 406 and 498-A of the IPC on the basis of compromise 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 10.03.2015 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 compromise has been executed between the parties. He submits that a decree of divorce has already been granted by the Family Court, SBS Nagar in a joint petition filed under Section 13-B of the Hindu Marriage Act, 1955. 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 21.08.2023 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 20.11.2023 of Court of Mr. Servesh Singh, Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar, statements of petitioner and complainant-respondent No.2 as well as Investigating Officer-ASI Balwinder 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. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel on instructions from ASI Joginder Pal 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 a decree of divorce has already been granted by the Family Court, SBS Nagar, 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.0016 dated 07.02.2021 registered at Police Station Sadar Nawanshahar under Sections 406 and 498-A of the 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

09.02.2024

P.Bhatt

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