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

CRM-M-41409-2023 (O&M)

Date of Decision: 25.01.2024

GURPREET BHARTI

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Arun Chander Shamra, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Mr. Ashok Kumar Sharma, Advocate, for
Mr. Ajit Singh, Advocate,
for respondent No. 2-complainant.

HARPREET KAUR JEEWAN J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 0037 dated 16.06.2023, registered at Police Station Woman District S.A.S Nagar, under Sections 406 and 498-A of the IPC, on the basis of compromise dated 19.07.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioner that it was a matrimonial dispute. The FIR was registered at the instance of respondent No. 2-complainant (wife). Now the parties have amicably settled their dispute. In pursuance to the said settlement, a joint petition has been filed by the petitioner and respondent No. 2 under Section 13-B of the Hindu Marriage Act before the learned Family Court which has been allowed on 24.01.2024. It is further contended that respondent No. 2 at whose instance

the present FIR was registered, does not want to take any action against the petitioner.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and submits that a sum of ₹6,50,000/- has been received by respondent No. 2 on account of maintenance and she does not want to take any action against the petitioner.

[4] On 22.08.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 16.10.2023 of the Judicial Magistrate, Ist Class, SAS Nagar, through the District & Sessions Judge, SAS Nagar, has been received. As per said report, the compromise between the parties is genuine.

The relevant portion of the said report reads as under:-

XXXX XXXX XXXX XXXX

“It is evident from the statement of investigating officer ASI Mandeep Kaur that in the present case FIR No. 37, dated 16.06.2023 under Section 498-A IPC, PS Women Cell, SAS Nagar which was registered against one accused namely Gurpreet Bharti. The FIR was registered on the complaint of complainant Anju Bala There is only one complainant/victim in the present case. No accused is absconding or has been declared proclaimed offender in the present case. Challan has not been presented in the present case. As per her knowledge, accused is not involved in any other FIR and she has knowledge about the compromise effected between the parties.

2. It is evident from the statement of accused as well as complainant that the compromise is genuine. voluntary, without any threat or coercion or undue influence.

3. *In the present case, the case was fixed at stage for awaiting further orders from the Hon'ble Punjab & Haryana High Court, Chandigarh.*”

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

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] Since it was a matrimonial dispute between the petitioner and respondent No.2 which has been now resolved as such, further proceedings on the basis of the present FIR is not in the interest of 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. 0037 dated 16.06.2023, registered at Police Station Woman District S.A.S Nagar, under Sections 406 and 498-A of the IPC, on the basis of compromise dated 19.07.2023 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

January 25, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No