

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRM-M-42624-2023 (O&M)
Date of decision: 20.03.2024

GAURAV KAUSHIK AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Karanjeet Singh Brar, Advocate for the petitioners.

Mr. D.B. Singh, Senior DAG Punjab.

Mr. Akshay Kumar Goel, 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.29 dated 05.07.2018, under Sections 498-A IPC (Section 406 IPC added later on), registered at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1), on the basis of compromise dated 14.02.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that matter has been settled between the parties and compromise dated 14.02.2023 (Annexure P-2) has been executed between them. As per the compromise, petitioner No.1-husband and respondent No.2-wife would file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 and a sum of Rs.71,00,000/- has been agreed to be

paid by petitioner-husband to respondent No.2-wife and minor daughter as permanent alimony, past, present and future, 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.

[4] On 06.09.2023, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements regarding the compromise.

[5] As per the report dated 29.09.2023, received from the Judicial Magistrate, Ist Class, Bathinda through the District & Sessions Judge, Bathinda, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offenders".

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

[7] Keeping in view the facts and circumstances of the case and 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, this petition is allowed and FIR No.29 dated 05.07.2018, under Sections 498-A IPC (Section 406 IPC added later on), registered at Police Station Women Cell, Bathinda, District Bathinda, (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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

20.03.2024

P.Bhatt

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