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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42913-2023 (O&M)

Date of Decision: 18.04.2024

DR. GURJYOT SINGH NANDA AND ANOTHER

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Yuvraj Rathore, Advocate, for
Mr. T.S. Sidana, Advocate,
for the petitioners.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

Mr. Jasmeet Singh Bhatia, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

CRM-36131-2023

Application for leave to file the present application/petition
without Number of Roll of Advocates, is allowed, as prayed for.

CRM stands disposed of.

CRM-M-42913-2023

[1] The present petition has been filed under Section 482 of the
Code of Criminal Procedure, 1973 for quashing of FIR No. 128 dated
27.07.2023, under Sections 406 and 498-A of the IPC, registered at Police
Station Dugri, District Police Commissionerate, Ludhiana, (Annexure P-1),
on the basis of a compromise deed dated 23.08.2023 (Annexure P-2) arrived
at between the parties.

[2] Counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of petitioner No. 1-Dr. Gurjyot Singh. Petitioner No. 2-Gurpurnima is the mother-in-law of respondent No. 2. A compromise/settlement deed dated 23.08.2023 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has already been filed by them which has now been allowed by the learned Additional Principal Judge, Family Court, Ludhiana, vide its judgment and decree dated 28.09.2023, in terms of the compromise deed dated 23.08.2023 (Annexure P-2).

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2-complainant has no objection if the present FIR against the present petitioner is quashed by this Court.

[4] On 04.09.2023, 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 17.10.2023, received from the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender" and they are not involved in any other criminal case.

[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, this petition is allowed and FIR No. 128 dated 27.07.2023, under Sections 406 and 498-A of the IPC, registered at Police Station Dugri, District Police Commissionerate, Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 23.08.2023 (Annexure P-2) are violated.

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

April 18, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No