

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

304

CRM-M-61888-2023 (O&M)
Date of decision: 08.04.2024

GAURAV SHARMA AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0143 dated 15.08.2022, under Sections 498-A, 406, 120-B IPC registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1), on the basis of compromise deed dated 01.09.2022 (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 the matter has been settled between the petitioner No.1-husband and respondent No.2-wife and compromise deed dated 01.09.2022 (Annexure P-2) has been executed between them. He submits that petitioner No.1-husband and respondent No.2-wife have filed a joint

petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, which has already been allowed by the Family Court, Fatehgarh Sahib vide judgment and decree dated 08.09.2023 (Annexure P-3), 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 06.02.2024, 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 21.03.2024, received from the Judicial Magistrate 1st Class, Fatehgarh Sahib through the District & Sessions Judge, Fatehgarh Sahib, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioners and they have not been declared "Proclaimed Offenders".

[6] Learned State counsel on instructions from ASI Gurcharn Singh has not raised any objection regarding the acceptance of the present petition.

[7] Since the matter has been settled between the parties and the parties have buried the hatchet and given quietus to the matter and 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.0143 dated 15.08.2022, under Sections 498-A, 406, 120-B IPC registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (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

08.04.2024

P.Bhatt

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