

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

293

CRM-M-45481-2023 (O&M)
Date of decision: 07.02.2024

SUKHJIT SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. K.S. Kahlon, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

Mr. Atul Aggarwal, 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.217 dated 24.09.2018 registered at Police Station Civil Lines, Batala, District Gurdaspur under Sections 498-A, 406 IPC on the basis of compromise dated 27.08.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the marriage between the petitioner No.1 and respondent No.2 was solemnized on 06.06.2012 and two children were born out of the wedlock. The present FIR was registered due to a matrimonial dispute between the parties, which has now been settled and written compromise deed dated 27.08.2023 (Annexure P-2) has been executed between the parties. He further contends that now respondent No.2-wife

is residing peacefully with the petitioner No.1-husband, 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] As per order dated 14.09.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the Illaqa 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 04.10.2023 of Court of Mr. Harjinder Singh, Judicial Magistrate 1st Class, Batala, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-SI Daljit 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. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel 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 respondent No.2-wife is residing together with petitioner

No.-1-husband, 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.217 dated 24.09.2018 registered at Police Station Civil Lines, Batala, District Gurdaspur under Sections 498-A, 406 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2024

P.Bhatt

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