

CRM-38066-2023 in/and
CRM-M-45364-2023

2024:PHHC:068958

- 1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280

CRM-38066-2023 in/and
CRM-M-45364-2023
Date of decision: 16.05.2024

PUSHPINDER TRIPATHI AND ANOTHER

...Petitioners

Versus

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vikrant Guleria, Advocate
for the petitioners.

Mr. Ankur Bali, Addl. P.P. U.T., Chandigarh.

Respondent No.2 in person.

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.031 dated 19.05.2021, under Sections 406, 498-A IPC registered at Women Police Station, Chandigarh (Annexure P-1), on the basis of compromise deed dated 02.08.2023 (Annexure P-2) executed 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 petitioners and respondent No.2; and compromise deed dated 02.08.2023 (Annexure P-2) has been executed between them. He submits that as per the compromise, both the 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 and a decree of divorce dated 01.03.2024 has already been passed by the learned Additional District Judge, Chandigarh. Copy of the said decree of divorce has been submitted in the Court today, which is taken on record. He further submits that as per the compromise, petitioner No.1-husband has paid a sum of Rs.16,00,000/- to respondent No.2-wife towards all her claims i.e. past, present, future and permanent alimony, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Respondent No.2 has confirmed the factum of compromise between the parties. She has further confirmed about receiving a sum of Rs.16,00,000/- from the petitioner No.1-husband.

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

[5] On 29.01.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 02.03.2024 received from the Judicial Magistrate 1st Class, Chandigarh forwarded through the office of District and Sessions Judge, Chandigarh, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Petitioners have not been

declared as ‘Proclaimed Offenders’.

[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.031 dated 19.05.2021, under Sections 406, 498-A IPC registered at Women Police Station, Chandigarh (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

16.05.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No