

Sr. No.279+153

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-51035-2023 in/and
CRM-M-45298-2023
Date of decision: 26th February, 2024

ANURAG KALOTRA AND OTHERSPetitioners

versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Navjot Kaur, Advocate for
Mr. A.S. Khinda, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Rajveer Singh Brar, Advocate for
Mr. Paras Khindri, Advocate
for respondent Nos.2 and 3.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-51035-2023

Allowed as prayed for. Decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 and Special Power of Attorney of respondent No.3 are taken on record as Annexures P-6 and P-7 respectively, subject to all just exceptions.

CRM-M-45298-2023

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.103 dated 11.03.2023, under Sections 498-A and 406 IPC, 1860, registered at Police Station City Barnala, District Barnala (Annexure P-1), on the basis of compromise/settlement dated 12.04.2023 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2 (father of respondent No.3) due to a matrimonial dispute between petitioner No.1 and respondent No.3. The dispute has been resolved in the Mediation and Conciliation Centre, Barnala and settlement agreement dated 12.04.2023 (Annexure P-2) has been executed between the parties. In pursuance to the said settlement, the marriage of petitioner No.1 and respondent No.3 stands dissolved by a joint petition under Section 13-B of the Hindu Marriage Act, 1955 filed before the Family Court, Barnala. Decree of divorce dated 13.10.2023, passed by the Family Court is Annexure P-6.

3. Learned counsel appearing on behalf of respondent Nos.2 and 3 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioner is quashed.

4. On 12.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 20.11.2023 of the Judicial Magistrate, Ist Class, Barnala, through the District & Sessions Judge, Barnala, has been received, wherein, following observations have been made:-

“1. Complainant Kuldeep Singh son of Bachan Singh appeared for himself and as Special power of attorney holder of Deepika Rani wife of Anurag Kalotra for recording his statement on 13.10.2023 and his statement was recorded regarding compromise.

2. Similarly, accused persons namely Anurag Kalotra son of Paras Ram, Paras Ram son of Kishan Chand and Kamla Suthwal wife of Paras Ram appeared in the court on 13.10.2023 and got recorded their statements to the effect that they have compromised the matter with the complainants voluntarily and without any coercion or undue influence with the intervention of respectables and they have no objection if present FIR is quashed.

3. Parties have also submitted that they shall remain bound and comply with all the terms and condition contained in the written compromise.

4. In view of the statements of the complainant Kuldeep Singh as well as accused persons, the compromise arrived between the parties who appeared before the Court for recording their statements, appears to be genuine and valid one.

5. On 17.11.2023, SI Satpal Singh No.512/BNL has appeared and suffered statement that the present case FIR No.103 dated 11.03.2023, under Sections 498-A, 406 of IPC, PS City Barnala was registered, on the basis of statement of complainant Kuldeep Singh son of Bachan Singh against the accused persons namely Anurag Kalotra son of Paras Ram, Paras Ram son of Kishan Chand and Kamla Suthwal wife of Paras Ram.

6. SI Satpal Singh No.512/BNL has further submitted that except this case, no other case has been registered against the above said accused persons nor the said accused persons have involved in any other case and no criminal proceedings have ever been initiated against them. He further submitted that the above said accused persons have never been declared as Proclaimed Offenders nor any P.O. proceedings have been initiated against them.

7. As per contents of FIR, there is victim Deepika Rani besides the complainant Kuldeep Singh in the present case.”

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

7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others; 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

8. Since the matrimonial dispute between petitioner No.1 and respondent No.3 has been resolved and decree of divorce dated 13.10.2023 has been passed by

the Family Court, further proceedings on the basis of the present FIR is not in the interest of parties, as such, 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.103 dated 11.03.2023, under Sections 498-A and 406 IPC, 1860, registered at Police Station City Barnala, District Barnala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

26th February, 2024

sim

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No