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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46757-2023 (O&M)

Date of Decision: 19.03.2024

SANDEEP KUMAR

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

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

Mr. Ashish Bakshi, Advocate, for
Mr. Jaspal Singh, 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. 0059 dated 19.03.2022, under Section 498-A of the Indian Penal Code, 1860 (for short '*the IPC*'), registered at Police Station Women, District Police Commissionerate, Ludhiana, (Annexure P-1), on the basis of compromise dated 31.08.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2-wife due to a matrimonial dispute between the parties and now the matter has been resolved and parties have effected a compromise dated 31.08.2023 (Annexure P-2). He further contends that now the petitioner and respondent

No.2 are living together and there is no dispute between them, 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 12.03.2024, received from the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, a compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender" and he is not involved in any other criminal case.

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

[7] 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. 0059 dated 19.03.2022, under Section 498-A of the Indian Penal Code, 1860 (for short

‘the IPC’), registered at Police Station Women, District Police Commissionerate, Ludhiana, (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Preeti and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 31.08.2023 (Annexure P-2) are violated.

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

March 19, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No