

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

312

CRM-M-47120-2023 (O&M)
Date of decision: 08.04.2024

YATAN GUPTA AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Pankaj Kalia, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Sanjeev Kumar, 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.29 dated 26.05.2023, under Sections 406 and 498-A IPC registered at Police Station Women, Police Commissionerate Amritsar, District Amritsar (Annexure P-1), on the basis of compromise dated 28.08.2023 (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 petitioners and respondent No.2 and compromise dated 28.08.2023 (Annexure P-2) has been executed between them. He submits that petitioner

No.1-husband and respondent No.2-wife have already filed a petition for divorce under Section 13-B of the Hindu Marriage Act, which is pending in the Court of Family Court, Amritsar. He further submits that as per the compromise (Annexure P-2), the parties have already handed over all the items/istridhan to each other and nothing remains to be given, as such, respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel for respondent No.2 has confirmed the factum of compromise between the parties.

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

[5] On 04.12.2023, 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 15.03.2024, received from the Judicial Magistrate 1st Class, Amritsar forwarded through the office of District and Sessions Judge, Amritsar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

[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 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.29 dated 26.05.2023, under Sections 406 and 498-A IPC registered at Police Station Women, Police Commissionerate Amritsar, District Amritsar (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