

CRM-M-47490-2023(O&M) - 1 - 2023 : PHHC : 022763

290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47490-2023 (O&M)

Date of reserved: 06.02.2024

Date of Decision: 16.02.2024

TARANJIT SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashok Sharma Nabhewala, Advocate for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

Mr. SPS Sandhu, Advocate for respondent No.3.

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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. 14 dated 17.01.2018 under Sections 420, 498-A, 406, 120-B IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib between the parties on the basis of compromise dated 20.07.2022.

2. Learned counsel for the petitioner *inter alia* contends that the present FIR was registered due to matrimonial dispute between petitioner No.1 – Taranjit Singh and respondent No.3 – Arampa Kaur which is now resolved with the intervention of the Mediator of the Mediation and Conciliation Center of this Court. The settlement/agreement dated 20.07.2022 (Annexure P-3) has been prepared by the Mediator which is duly signed by respondent No.3 – Arampa Kaur along with his then counsel

Mr. PBS Goraya, Advocate and the said compromise was effected during

the pendency of a quashing petition which was filed on merits bearing CRM-M-46768-2018 titled as Taranjit Singh and others vs State of Punjab and others. The said agreement was taken on record vide order dated 04.08.2022 and the petitioner was granted permission to withdraw the petition with liberty to file fresh petition for quashing of the FIR on the basis of compromise vide order dated 04.08.2022, Annexure P-4.

3. Learned counsel for the petitioner further contended that in terms of the compromise, petitioner No.1 (husband) and respondent No.3 (wife) have filed a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage which has been allowed vide judgment and decree dated 29.05.2023, Annexure P-5. Respondent No.3 does not want to take any action against the petitioners in the present FIR.

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

5. Learned counsel appearing for responded No.3 - Arampa Kaur at whose instance the present FIR was registered has stated that he has no objection if the present petition is accepted and as per report received from the learned District Judge, Fatehgarh Sahib, the statement of the complainant and joint statement of the accused Tejinder Kaur and Kulwinder Kaur was recorded. The other accused had not appeared. Therefore, it cannot be said that compromise has been effected between the parties. However, learned Chief Judicial Magistrate, Fatehgarh Sahib has reported that apart from the complainant, there is no other victim or injured in this case. No accused has been declared proclaimed offender. No offence was deleted or added after the registration of the FIR. Two accused persons were added during the investigation stage namely

Kulwinder Kaur and Anchal. No accused has been declared innocent by the Investigating Officer.

6. 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.

7. The FIR was registered at the instance of the complainant – Arampa Kaur against 7 accused including the present petitioners under Section 420, 498-A, 406 & 120-B IPC. There was matrimonial dispute between petitioner No.1 and respondent No.3 which has been resolved with the process of mediation. The settlement agreement has been duly drafted by the Mediator of the Mediation and Conciliation Center of this Court which has been signed by the complainant. In pursuance of the said compromise, the parties are stated to have filed a joint petition for divorce and as per order dated 29.05.2023 passed by the Principal Judge, Family Court, Hoshiarpur (Annexure P-5), a decree of divorce has been passed by mutual consent. The other petitioners are relatives of petitioner No.1, husband of the complainant. Since the parties have decided to put quietus to their litigation on account of matrimonial dispute, 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.

8. Consequently, this petition is allowed and FIR No. 14 dated 17.01.2018 under Sections 420, 498-A, 406, 120-B IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the subsequent

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proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

16.02.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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