

Sr. No.289

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47386-2023
Date of decision: 20th March, 2024

GURPREET SINGH AND OTHERS**Petitioners**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Suresh Rani, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Ms. Navjot Kaur, Advocate for
Mr. R.K. Arya, 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.119 dated 13.11.2021, under Sections 498-A, 34 IPC, 1860, registered at Police Station Kalanaur, District Gurdaspur (Annexure P-1), on the basis of compromise/joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between the parties, which has now been resolved. The parties have executed a compromise and joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2) has been filed by them. The matter has been settled for a total amount of Rs.4,00,000/- as permanent alimony qua past, present and future maintenance. Out of the said amount, Rs.2,00,000/- has already been

paid by the petitioner-husband to respondent No.2-wife at the time of recording joint statement of parties on first motion on 11.09.2023 before the Family Court, Gurdaspur. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 21.09.2023, 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 18.11.2023, received from the Judicial Magistrate, Ist Class, Gurdaspur, through the District & Sessions Judge, Gurdaspur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender” and they are 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.119 dated 13.11.2021, under Sections 498-A, 34 IPC, 1860, registered at Police Station

Kalanaur, District Gurdaspur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife 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

20th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>