

286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47792-2023 (O&M)
Date of Decision: 21.03.2024

AMARDEEP SHARMA AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Charan Jit Sharma, Advocate for the petitioners.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Mr. Navinderjit Singh Dandiwal, Advocate
for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 95 dated 10.07.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Kot Ise Khan, District Moga on the basis of compromise dated 14.08.2023 (Annexure P-2) between the parties.

[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. The said dispute has now been amicably settled between the parties with the intervention of the respectables. The parties have agreed to part ways by getting divorce by mutual consent and they have decided to withdraw the cases filed against each other. As such, respondent No.2-complainant 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 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 07.02.2024, received from learned Judicial

Magistrate First Class, Moga, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender”.

[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, 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.95 dated 10.7.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Kot Ise Khan, District Moga and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, respondent No.2-Teena Rani and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 14.08.2023 are violated.

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

21.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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