

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

294

CRM-M-48607-2023 (O&M)
Date of decision: 08.04.2024

KAMALDEEP AND OTHERS

...Petitioners

Versus

MANDEEP KAUR

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Komalpreet Kaur, Advocate for
Mr. Deepak Arora, Advocate
for the petitioners.

Ms. Navjot Kaur, Advocate for
Mr. R.K. Arya, Advocate
for the respondent.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of complaint No.114 dated 19.08.2020 titled Mandeep Kaur vs. Kamaldeep and others under Sections 498-A, 406, 323, 148, 149 IPC registered at Police Station City, District Gurdaspur (Annexure P-1) and summoning order dated 01.03.2021 (Annexure P-2) passed by the Court of learned Judicial Magistrate 1st Class, Gurdaspur along with all the subsequent and incidental proceeding arising out of the said complaint, on the basis of settlement/compromise deed (Annexure P-3) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of the respondent on account of a matrimonial dispute between the parties. She further contends that the matter has been settled

between the petitioner No.1-husband and respondent-wife and settlement/compromise deed (Annexure P-3) has been executed between them. She submits that as per the compromise, petitioner No.1-husband and respondent-wife have already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court. As per the compromise, petitioners have agreed to pay Rs.13,50,000/- to respondent for her past, present and future maintenance, as such, the respondent does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of the respondent has confirmed the factum of compromise between the parties.

[4] On 07.12.2023, 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 05.01.2024, received from the Judicial Magistrate 1st Class, Gurdaspur through the District & Sessions Judge, Gurdaspur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

[6] 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 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.

[7] Consequently, this petition is allowed and complaint No.114 dated 19.08.2020 titled Mandeep Kaur vs. Kamaldeep and others under Sections 498-A, 406, 323, 148, 149 IPC registered at Police Station City, District Gurdaspur (Annexure P-1) and summoning order dated 01.03.2021 (Annexure P-2) passed by the Court of learned Judicial Magistrate 1st Class, Gurdaspur, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[8] However, the respondent and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

08.04.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No