

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

CRM-M-49712-2023 (O&M)

Date of Decision: 29.01.2024

VIKRANT SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

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

Mr. Rahul Garg, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 76, dated 06.06.2022, registered at Police Station Nangal, District Rupnagar, under Section 498-A of the IPC, on the basis of a compromise dated 29.04.2023 (Annexure P-2) between the parties.

2. It is contended on behalf of the petitioner that it was a matrimonial dispute. The FIR was registered at the instance of respondent No. 2-complainant (wife). Now the parties have amicably settled their dispute. They have decided to live their life separately. They had also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, in which final order has been passed by the learned Family Judge on 29.11.2023 and on the same day, a decree of divorce has also been granted to the parties by the learned Family Judge. A copy of the final order and a copy of the decree

of divorce granted by the learned Principal Judge, Family Court, Camp at Nangal, has been supplied in Court today by learned counsel for the petitioner. The same is taken on record. It is also contended on behalf of the petitioner that respondent No. 2 at whose instance the present FIR was registered, does not want to take any action against the petitioner.

3. Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioner is quashed.

4. On 03.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 19.10.2023 of the Judicial Magistrate, Ist Class, Nangal, through the District & Sessions Judge, Nangal, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:-

XXXX XXXX XXXX XXXX

“In compliance of said order, the parties I.e. Narinder Singh Special Power of Attorney accused namely Vikrant Singh (Petitioner in CRM- M-49712-2023) and Harpal Singh Rana Special Power of Attorney of complainant Priya Thakur appeared before the Court on 13.10.2023 and the parties were specifically asked whether they entered into compromise out of their free Will to which they replied in affirmative and recorded their statements to that effect. Harpal Singh Rana who is Special Power of Attorney of Complainant Priya Thakur stated that Priya Thakur had got registered FIR No.76 dated 06.06.2022 against accused Vikrant Singh. He stated that complainant has compromised the matter with accused without any

coercion inducement, threat or pressure and has no objection if the FIR is quashed against the accused person.

Statements of Narinder Singh Special Power of attorney of accused Gurnam Singh was also recorded whereby he stated that compromise has been effected with complainant. ASI Ram Kumar the Investigating Officer vide separately recorded statement stated that the accused have not been declared Proclaimed Person in any other criminal case and there are no other accused except Vikrant Singh (Petitioner in CRM-M-49712-2023) involved in FIR No. 76 dated 06.06.20252 inder Section 498-A, 406 IPC PS Nangal.

While recording the statements of the above stated persons, the copies of their Aadhar cards were taken on record and accused was identified by Advocate Sh. Satish Sharma. Complainant has consented for compromise qua the accused.

Point wise report is hereby submitted.

- (i) The compromise is genuine and voluntary in nature.*
- (ii) FIR was registered against accused Vikrant Singh.*
- (iii) As per the Investigating Officer, none of the parties are absconding or declared Proclaimed Offender in any other case.*

FIR No.76 dated 06.06.2022 was registered against the accused persons under Section 406, 498-A IPC, P.S. Nangal, District Rupnagar. The requisite report is accordingly submitted please, for onward transmission to th Hon'ble High Court. The statements so recorded are enclosed herewith, for kind perusal, please.”

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.
7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has

held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

8. Since it was a matrimonial dispute between the petitioner and respondent No. 2 which has been now resolved as such, further proceedings on the basis of the present FIR is not in the interest of parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

9. Consequently, this petition is allowed and FIR No. 76, dated 06.06.2022, registered at Police Station Nangal, District Rupnagar, under Section 498-A of the IPC, on the basis of a compromise dated 29.04.2023 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

January 29, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No