

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

303

CRM-M-50098-2023 (O&M)
Date of decision: 09.04.2024

SAMARJEET SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Gurpreet Singh, Advocate for
Mr. Ramnish Puri, Advocate,
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. K.S. Bal, Advocate for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.5 dated 08.01.2022, under Sections 498-A and 406 IPC registered at Police Station Lopoke, District Amritsar (Annexure P-1), on the basis of compromise dated 19.04.2022 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioners and respondent No.2 and compromise deed(Annexure P-2) has been executed between them.He submits that the matrimonial ties between the

petitioner No.1-husband and respondent No.2-wife has been dissolved and a decree of divorce dated 17.11.2023 has already been passed by the Family Court, Amritsar, as such, respondent No.2 does not want to take any action in the present FIR. Copy of the said decree of divorce is submitted in the Court today, which is taken on record.

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

[4] Learned State counsel on instructions from ASI Jaydev Singh has not raised any objection regarding the acceptance of the present petition.

[5] On 05.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 02.12.2023 received from the Judicial Magistrate 1st Class, Ajnala forwarded through the office of District and Sessions Judge, Amritsar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the petitioners and they have not been declared as 'Proclaimed Offenders'.

[7] The matrimonial dispute between the parties stands settled. Keeping in view 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.5 dated 08.01.2022, under Sections 498-A and 406 IPC registered at Police Station Lopoke, District Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2 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

09.04.2024

P.Bhatt

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