

Sr. No.308

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

**CRM-M-50520-2023
Date of decision: 24th January, 2024**

GURPREET SINGH AND ANOTHER**Petitioners**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Bawa, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Vikrant Vij, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.102 dated 28.06.2023, under Sections 498-A, 406, 201 IPC, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1), on the basis of compromise dated 29.09.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of matrimonial discord between the parties. The matter has been settled between the parties and a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has also been filed in which, first motion statement of the parties has been recorded and now the case is fixed for 05.04.2024 for recording of their final statements. As per the compromise dated 29.09.2023 (Annexure P-2), the petitioner-husband has returned the passport to respondent No.2-wife and they have decided to part their ways. Respondent

No.2-wife does not want to pursue the present FIR against the petitioner-husband and she has no objection if the present FIR is quashed.

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

[4] On 09.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 15.12.2023 of the Judicial Magistrate, Ist Class, Tarn Taran, through the District & Sessions Judge, Tarn Taran, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“In view thereof, the report is submitted as follows:

- 1. As per the statements of the parties and their oral versions, the compromise dated 29.09.2023 has been freely entered into between them, without any undue influence, coercion or pressure of any kind.*
- 2. As per the statement of I.O ASI Gurpreet Singh 1072/TT, no other criminal case is pending against the parties.*
- 3. As per the statement of I.O. ASI Gurpreet Singh 1072/TT, two persons were arraigned as accused in this FIR and no proclamation proceedings is pending against the accused, neither any accused has been declared PO in this case.”*

[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 the matrimonial dispute between the parties has already been settled and the parties have given quietus to the litigation by way of filing a joint petition under Section 13-B of the Hindu Marriage Act, 1955; further proceeding with the present FIR would not serve any purpose, as such, 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.102 dated 28.06.2023, under Sections 498-A, 406, 201 IPC, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] 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 dated 29.09.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

24th January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No