

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52936-2022 (O&M)
Date of decision: 18.04.2024

MEHANGA SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sharad Mehra, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 33 dated 28.05.2022 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Mattewal, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 14.09.2022 (Annexure P-2).
2. The following order was passed on 13.12.2023:

“On 16.11.2023 the following order was passed:

"Petitioners are seeking to quash the FIR No.33 dated 28.05.2022 under Sections 406/498-A IPC, registered at Police Station Mattewal, District Amritsar on the basis of compromise having been effected between the parties.

Learned counsel for the petitioners contend that the names of 03 other relatives were also mentioned in the application but the FIR has been registered only against the petitioners. The marriage of petitioner No.2 was solemnized with the daughter of the complainant on 11.01.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicable settled between the parties in terms of compromise dated 14.09.2022 (Annexure P-2). Petitioner No.2 and respondent No.3 shall be filing a petition under Section 13-B of Hindu Marriage Act by mutual consent. A sum of Rs.6,00,000/- shall be paid on account of permanent

alimony to respondent No.2. Respondent No.2 shall withdraw the case pertaining to the maintenance, instituted by her in Canada. No other case is pending between the parties.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 23.01.2023".

Mr. Akhilesh Vyas, Advocate has appeared and filed power of attorney on behalf of respondent No.2. The same is taken on record.

Learned counsel for respondent No.2 has stated that the parties have since entered into a compromise, which has duly been signed by respondent No.2 and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on 18.04.2024.

Meanwhile, the parties are directed to appear before the concerned Chief Judicial Magistrate/Illaq Magistrate/trial Court on 29.01.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

1) Whether the settlement/compromise dated 14.09.2022 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.

2) Whether any other criminal cases are pending against the parties.

3) Whether any proclamation proceedings are pending against either of the parties.

4) Whether all the accused are party to the compromise."

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and **Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 33 dated 28.05.2022 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Mattewal, District Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 18, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No