

Sr. No.130+275

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

**CRM-12942-2024 in/and
CRM-M-53315-2022 (O&M)
Date of decision: 20th March, 2024**

NARESH KUMAR SHARMA**Petitioner**

versus

STATE OF PUNJAB AND ANR**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naginder Singh Vashist, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Akash Mehra, Advocate for
Mr. Kanhiya Soni, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-M-53315-2022 (O&M)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.60 dated 09.10.2020, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, District Patiala (Annexure P-1), on the basis of compromise dated 26.07.2022 (Annexure P-2) arrived at 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 a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and compromise dated 26.07.2022 (Annexure P-2) has been executed between the parties. The parties had filed a joint divorce petition under

03.02.2023, decree of divorce has been granted by the Family Court, Patiala. Copy of the decree of divorce is submitted in the Court and the same is taken on record. As per the compromise (Annexure P-2), the petitioner-husband has paid a total sum of Rs.3,50,000/- to the respondent No.2-wife towards past, present and future maintenance qua permanent alimony. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 11.04.2023, 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 08.05.2023, received from the Judicial Magistrate, Ist Class, Patiala, through the District & Sessions Judge, Patiala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender" and he is not involved in any other criminal case.

[6] Learned State counsel has informed that after the presentation of challan/final report under Section 173(2) Cr.P.C., only the petitioner is facing trial and the remaining accused named in the FIR have been declared innocent during investigation. Though an application was filed under Section 319 Cr.P.C. for summoning the co-accused of the petitioner, however, he has no objection regarding the acceptance of the present petition.

[7] 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**

consequential proceedings are quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No.60 dated 09.10.2020, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, District Patiala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] 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 26.07.2022 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

20th March, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No