

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

296

CRM-M-51123-2023 (O&M)
Date of decision: 12.03.2024

NAKUL KAKKAR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Mayank Mathur, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Ms. Karanvir Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.97 dated 06.12.2019, under Sections 406, 498-A IPC registered at Police Station Women, District Patiala (Annexure P-1), on the basis of compromise dated 05.09.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *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 matter has been settled between the parties and compromise (Annexure P-2) has been executed between them. He submits that petitioner-husband and respondent No.2-wife have filed joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955

before Family Court, Patiala where second motion statements of the parties have been recorded, as such, respondent No.2 does not want to take any action in the present FIR. He further submits that as per compromise, respondent No.2 has received amount of Rs.4 lakhs by way of DD No.073134 and an affidavit has been filed in this regard. The said affidavit is produced in Court today, which is taken on record.

[3] Learned counsel appearing on behalf of respondent No.2 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] As per the report dated 08.11.2023, 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 not raised any 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 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.97 dated 06.12.2019, under Sections 406, 498-A IPC registered at Police Station Women, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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

12.03.2024

P.Bhatt

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