

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

291

CRM-M-54291-2022 (O&M)
Date of decision: 09.04.2024

GURPREET SINGH AND OTHERS

...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. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Inder Preet Singh, Advocate for
Mr. Sanpreet Singh, Advocate
for respondent No.2 (through video conferencing).

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.28 dated 27.05.2018, under Sections 406, 498-A IPC registered at Police Station Women, District Police Commissionerate Amritsar (Annexure P-1), on the basis of compromise, which is a copy of joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

[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 petitioner No.1-husband and respondent No.2-wife and compromise (Annexure P-2) has been executed between them. He submits that petitioner

No.1-husband and respondent No.2-wife have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Amritsar, such, respondent No.2 does not want to take any action in the present FIR. As per the compromise, petitioner No.1-husband has already paid the entire amount to respondent No.2 as full and final settlement towards permanent alimony and for her past, present and future maintenance.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties. He has informed that as per the compromise, entire payment has been received by the respondent No.2.

[4] On 17.11.2023, 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 12.01.2024, received from the Judicial Magistrate 1st Class, Amritsar through the District & Sessions Judge, SAS Nagar, Amritsar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Statements of the parties as well as concerned Investigating Officer have been recorded, wherein respondent No.2 has stated that at the time of recording of the statements, she has received a demand draft bearing No.959982 dated 18.11.2023 amounting to Rs.15 lakhs and has also testified about the genuineness of compromise effected between the parties. No other case is pending against the present petitioners and they have not been declared as 'Proclaimed Offenders'.

[6] Learned State counsel on instructions from ASI Prem Singh has not raised any objection regarding the acceptance of the present petition. He has informed that though LOC was issued against the petitioner No.1 but none of the

petitioners have 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.28 dated 27.05.2018, under Sections 406, 498-A IPC registered at Police Station Women, District Police Commissionerate 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
Whether reportable

Yes/No
Yes/No