

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

292

CRM-M-56726-2022 (O&M)
Date of decision: 09.04.2024

PAVITER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. M. K. Bhardwaj, Advocate for
Mr. T.P. Singh, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Ajay Singh, Advocate for
Mr. S.K. Banga, Advocate
for respondent No.2.

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.58 dated 11.07.2022, under Section 498-A IPC registered at Police Station Behram, District SBS Nagar (Annexure P-1), on the basis of terms and conditions mentioned in the petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

[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 the matter has been settled between the petitioner-husband and respondent No.2-wife on the basis of terms and conditions mentioned in the petition under Section 13-B of the Hindu

Marriage Act, 1955 (Annexure P-2). He submits that a decree of divorce has already been granted by the Family Court, SBS Nagar, as such, respondent No.2 does not want to take any action in the present FIR.

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

[4] On 21.11.2023, 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 20.01.2024, received from the Judicial Magistrate 1st Class, SBS Nagar through the District & Sessions Judge, SBS Nagar compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioner and he has not been declared "Proclaimed Offender".

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[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.58 dated 11.07.2022, under Section 498-A IPC registered at Police Station Behram, District

SBS Nagar (Annexure P-1), 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

09.04.2024

P.Bhatt

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