

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-53134-2023 (O&M)
Date of decision: 07.02.2024

JASWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. T.S. Hundal, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Ajay Singh, Advocate for
Mr. N.S. Sidhu, 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.166 dated 26.07.2019 registered at Police Station Sadar Khanna, Tehsil Khanna, District Ludhiana under Section 498-A IPC on the basis of compromise between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the marriage between the petitioner and respondent No.2 was solemnized on 11.02.2018 and no child was born out of the wedlock. The present FIR was registered due to temperamental differences and misunderstandings between the petitioner-husband and respondent No.2-wife. The dispute has now been settled and written compromise deed dated 13.10.2023 (Annexure P-2) has been executed between the parties. He further contends that the parties have also filed a joint

petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, Khanna. As per settlement the respondent No.2 has received a sum of Rs.6,00,000/- at the time of recording of the statement at first motion and the remaining amount of Rs.5,50,000/- will be paid on the second motion for maintenance and other claims to respondent No.2. The 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 and receipt of Rs.6,00,000/- by the respondent No.2-wife at the time of recording of statement at first motion as per compromise deed.

[4] As per order dated 02.11.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the CJM/Illaq Magistrate/trial Court for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 29.11.2023 of Court of Ms. Mehima Bhuler, Judicial Magistrate 1st Class, Khanna, statements of petitioner and complainant-respondent No.2 as well as Investigating Officer-MHC Paramjit Singh have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioner except the present case. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of

justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute which has been mutually settled. The parties have decided to mutually end the litigation and even filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955. The claim of maintenance of respondent No.2 also stands settled. As such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.166 dated 26.07.2019 registered at Police Station Sadar Khanna, Tehsil Khanna, District Ludhiana under Section 498-A IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner. However, the respondent No.2-wife and State shall be at liberty to seek cancellation of this order in case the final terms and conditions of the compromise deed (Annexure P-2) are violated.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No