

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

304

CRM-M-55346-2023 (O&M)
Date of decision: 09.04.2024

SMILE AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. J.S. Bhatia, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Sukhdeep Singh, 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.71 dated 08.10.2018, under Sections 406, 498-A IPC registered at Police Station Sadiq, District Faridkot (Annexure P-1), on the basis of compromise dated 10.08.2023 (Annexure P-2) arrived between the parties.

[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 dated 10.08.2023 (Annexure P-2) has been executed between them. He submits that petitioner No.1-husband and respondent No.2-wife have decided to part ways

and would file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955, before the Family Court, 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 13.12.2023, 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 04.01.2024, received from the Judicial Magistrate 1st Class, Faridkot through the District & Sessions Judge, Faridkot, 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. As per the statement of the concerned Investigating Officer, the present FIR was registered against accused Smile, Dharam Pal, Raj Rani, Twinkle and Jagdeep and as per record, accused Twinkle and Jagdeep were declared as innocent. No other accused has been added. The present petitioners have not been declared as 'Proclaimed Offenders'.

[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.71 dated 08.10.2018, under Sections 406, 498-A IPC registered at Police Station Sadiq, District Faridkot (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	Yes/No
Whether reportable	Yes/No