



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

267

**CRM-M-57101-2022 (O&M)
Date of decision: 11.11.2024**

DALVIR KAUR AND ANR.

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Arvind Seth, Advocate for
Mr. N.K. Vadehra, Advocate
for the petitioners.

Ms. Jasdeep Singh, DAG, Punjab.

Mr. Sachin Gupta, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing/setting aside the First Information Report No.28, dated 24.05.2019, under Sections 498-A and 406 of the IPC read with Section 120-B thereof, registered at Police Station Tibber, District Gurdaspur (Annexure P-2), and all other subsequent proceedings arising therefrom, including the order dated 12.10.2021 (Annexure P-3), whereby petitioner No.2-Ranjit Singh was declared as Proclaimed Offender, on the basis of a compromise/affidavit, dated 19.11.2022



(Annexure P-1) effected between the parties

[2] Learned counsel for the petitioners *inter alia* contends that after the solemnization of the marriage on 23.03.2015, petitioner No.2- Ranjit Singh went abroad on 18.02.2019. The FIR was registered at his back on 24.05.2019. He has never come back to India and was not aware of the said proceedings. However, the matter stand compromised between the parties and in this regard, affidavit dated 19.11.2022 (Annexure P-1) has been executed by respondent No.2. Even a decree of divorce has also been passed on 14.03.2023 by the learned Family Court, Gurdaspur.

[3] As per order dated 16.05.2024 passed by this Court, petitioner No.2- Ranjit Singh was directed to appear before the trial Court within a period of two months.

[4] Learned counsel for the petitioners submits that in compliance to the above-said order dated 16.05.2024, petitioner No.2 has surrendered before the Additional Chief Judicial Magistrate, Gurdaspur on 11.07.2024 and he has been granted concession of interim bail by the said Court. Copy of the said order is submitted in the Court today, which is taken on record as Annexure 'PX'. Office is directed to tag the same at appropriate place.

[5] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

[6] On 08.12.2022, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[7] As per the report dated 14.02.2023 received from Judicial Magistrate 1st Class, Gurdaspur forwarded through the office of District and Sessions Judge,



Gurdaspur, statements of respondent No.2 and petitioner No.1, who is also special power of attorney holder of petitioner No.2 have been recorded. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

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

[9] The matrimonial dispute between the parties stands resolved. Joint petition under Section 13-B of the Hindu Marriage Act, 1955 filed on behalf of petitioner No.2-Ranjit Singh and respondent No.2-Amandeep Kaur has already been accepted vide judgment and decree dated 14.03.2023 by the Family Court, Gurdaspur. Petitioner No.2-Ranjit Singh has even surrendered and is granted concession of interim bail by the trial Court.

[10] 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.

[11] In view of such circumstances, this petition is allowed. The impugned order dated dated 12.10.2021 (Annexure P-3) is set aside and First Information Report No.28, dated 24.05.2019, under Sections 498-A and 406 of the IPC read with Section 120-B thereof, registered at Police Station Tibber, District Gurdaspur (Annexure P-2) and all subsequent proceedings arising from the said FIR are ordered to be quashed, qua the petitioners.



[12] 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-1) are violated.

[13] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11.11.2024
P.Bhatt

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