

303 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-55202-2023
Date of decision: 15.01.2024

VARUN KUMAR AND OTHERSPetitioners

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Garg, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Ramesh Sharma, Advocate for
Mr. Lalit Pathak, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.7 dated 19.04.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Women Cell, Malerkotla, District Malerkotla (Annexure P-1), on the basis of compromise dated 25.10.2023 (Annexure P-2) between the parties.

[2] It is contended on behalf of the petitioners that compromise has been effected between the parties. The petitioners have not been declared as Proclaimed Offender in this case and no other case is pending against them. A joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has also been filed by the parties wherein, first motion statements of parties have been recorded. He further contends that at the time of recording of said statements, the petitioner No.1 has paid Rs.2,50,000/- to respondent No.2-wife

and the balance amount of Rs.7,20,000/- will be paid by him to respondent No.2-wife at the time of recording of second motion statements of the parties. He further contends that respondent No.2-wife has no objection if the present FIR is quashed.

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

[4] On 15.11.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] The report dated 08.12.2023 of the Judicial Magistrate, Ist Class, Malerkotla, through the District & Sessions Judge, Sangrur, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“1. As per statement of Investigating Officer ASI Baljinder Kaur no. 2008/Sangrur, total three persons namely Varun Kumar, Ramesh Kumar and Vijay Rani are arrayed as accused in the present FIR.

2. As per statement of Investigating Officer ASI Baljinder Kaur no. 2008/Sangrur as well as statements of accused persons, none of accused of the present FIR is declared proclaimed offender in the present case at any stage.

3. As per statements of both the parties, they have compromised the matter with the intervention of elders and relatives. As per their statements Court is satisfied that compromise effected between them is genuine, voluntarily and without any undue influence or coercion. Further the statements of both the parties are not the result of any pressure or coercion in any manner.

4. As per statement of Investigating Officer ASI Baljinder Kaur no. 2008/Sangrur as well as statements of accused persons, the accused of the present FIR are not involved in any other case.

5. As per statement of Investigating Officer ASI Baljinder Kaur no. 2008/Sangrur, there is only one victim/complainant namely Navjoti Verma in the present FIR.

It is respectfully submitted that statement of Investigating Officer ASI Baljinder Kaur has been recorded with regard to points no. 1, 2, 4 & 5.”

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

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] Since the matter has been settled between the parties; the petitioners have not been declared Proclaimed Offender in this case and they are not involved in any other case; a joint petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed; a sum of Rs.2,50,000/- has been paid by the petitioner to the respondent No.2-wife at the time of recording of first motion statement of the parties and the balance amount of Rs.7,20,000/- will be paid by the petitioner to respondent No.2-wife at the time of recording of second motion statement of the parties, as such, 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.7 dated 19.04.2023, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Women Cell, Malerkotla, District Malerkotla (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 25.10.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

15.01.2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>