



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CRM-M-51498-2024 (O&M)
Date of decision: 19.12.2024

ASHWANI KUMAR BHARTI AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Ankit Bhinchar, Advocate for
Mr. SPS Sidhu, Advocate
for the petitioners.

Ms. Jasdeep Singh, DAG, Punjab.

Mr. Vinay Kumar Gupta, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 528 BNSS for quashing of FIR No.206 dated 10.10.2017 under Sections 498-A, 406, 323, 120-B IPC registered at Police Station Moga City, District Moga (Annexure P-1), on the basis of compromise deed dated 24.09.2024 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between parties. He further contends that the matter has been settled between the parties and compromise deed dated 24.09.2024 (Annexure P-2) has been executed between them. He submits that the petitioner No.2-husband and respondent No.2-



CRM-M-51498-2024 (O&M) - 2-

wife have already filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Moga, as such, respondent No.2 does not want to take any action in the FIR.

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

[4] On 28.10.2024, 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 27.11.2024 received from Judicial Magistrate 1st Class, Moga forwarded through the office of District and Sessions Judge, Moga, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The 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 resolved. In view of the above, no useful purpose would be served to continue with the prosecution of the petitioners in the present FIR.

[8] 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.



[9] Consequently, this petition is allowed and FIR No.206 dated 10.10.2017 under Sections 498-A, 406, 323, 120-B IPC registered at Police Station Moga City, District Moga (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

19.12.2024
P.Bhatt

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