

Sr. No.314

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

CRM-M-58942-2023
Date of decision: 02nd May, 2024

NITISH SHARMA AND ANR. **.....Petitioners**

versus

STATE OF PUNJAB AND ANOTHER **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Jyoti Rani, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

None 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 Criminal Complaint No.5 dated 10.06.2019, under Sections 498-A, 406, 323, 313, 34 IPC, 1860, registered at Police Station Dhariwal (Annexure P-3), on the basis of compromise deed dated 07.10.2023 (Annexure P-4), executed between the parties.
- [2] Learned counsel for the petitioners contends that the petitioners have been summoned in a criminal complaint (Annexure P-3), filed on behalf of respondents No.2 and 3. However, with the intervention of the respectables, the matter has been amicably settled and the parties have executed compromise deed dated 07.10.2023 (Annexure P-4), as per which, the parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955, has already been filed by them (Annexure P-5). As per the compromise, petitioner No.1-husband will pay a sum of Rs.5,00,000/- to respondent No.2-wife

as permanent alimony. Respondent No.2 does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 22.11.2023, 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 06.12.2023, received from the Additional Sessions Judge, Gurdaspur, the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offenders” and they are not involved in any other criminal case.

[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, the present petition is allowed and Criminal Complaint No.5 dated 10.06.2019, under Sections 498-A, 406, 323, 313, 34 IPC, 1860, registered at Police Station Dhariwal (Annexure P-3) 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 deed dated 07.10.2023 (Annexure P-4) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

02nd May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>