

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

CRM-M-58954-2022 (O&M)

Date of decision: 10.04.2024

NAVPREET SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Nitin Narula, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 93 dated 23.12.2021 registered under Sections 498-A of Indian Penal Code at Police Station Women, District Amritsar all subsequent proceedings arising therefrom in view of the compromise dated 05.12.2022 (Annexure P-2).

2. The following order was passed on 19.12.2022:

“This is the third petition filed under Section 482 Cr.P.C, seeking quashing of FIR No.93 dated 23.12.2021 registered under Section 498-A, of Indian Penal Code, 1860 at Police Station Women, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 05.12.2022 (Annexure P-2).

Counsel for the petitioners submits that FIR (Annexure P-1) which was arisen out of a matrimonial dispute, has been settled by compromise (Annexure P-2). He submits that both the parties have complied with the terms of the settlement and a petition seeking divorce has been instituted, wherein, first motion has been recorded.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of respondent No.1-State. Upon

instructions, he submits that charge has been framed, but no prosecution witness has been examined.

Mr. Nitin Narula, Advocate, who appears on behalf of the private respondents No.2 and 3, has filed 'Power of Attorney', which is taken on record. He submits that FIR has been lodged by respondent No.2, who is the father of respondent No.3 and admits the factum of compromise.

Parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 22.02.2023 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Trial Court/Area Magistrate be awaited for 09.08.2023.

Judgment and decree of divorce, if passed be placed on record before the next date."

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and **Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.)**

1052, this petition is allowed and FIR No. 93 dated 23.12.2021 registered under Sections 498-A of Indian Penal Code at Police Station Women, District Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 10, 2024

Ajay Goswami

(i)

Whether speaking/reasoned

(ii)

Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No