



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56531-2023 (O&M)

Date of decision: 29.05.2024

NARINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jyoti Kaur, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Anil Saini, Advocate
for respondent No. 2.

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. 71 dated 25.08.2023 under Sections 406, 498-A IPC registered at Police Station Women, District Patiala on the basis of compromise dated 27.09.2023 (Annexure P-2).

2. The following order was passed on 09.11.2023:

“1. The petitioner is seeking to quash FIR No. 71 dated 25.08.2023 under Sections 406, 498-A IPC registered at Police Station Women, District Patiala on the basis of compromise.

2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 21.08.2022 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Center, Patiala and Annexure P-2 is the Settlement Agreement in this regard. The petitioner shall pay a sum of Rs.1,60,000/- to respondent No.2 on account of permanent alimony. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Patiala wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 80,000/- has already been paid and the balance amount of Rs.80,000/- shall be paid when the statements of



the parties is recorded at the stage of 2nd motion. The petitioner shall withdraw the petition under Section 9 of the Hindu Marriage Act and respondent No.2 shall withdraw the petition under Section 125 Cr.P.C. Respondent No.2 has received all her articles of Istridhan and nothing else is due payable to her from the petitioner. No other case is pending between the parties.

3. *Notice of motion.*

4. *Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.*

5. *Mr. Manjinder Bhargava, Advocate has put appearance on behalf of respondent No.2 and has acknowledged the fact of compromise.*

6. *Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 30.11.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-*

1. Number of persons arraigned as accused in FIR.

2. Whether any accused is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

7. *To await the report, adjourned to 13.12.2023.”*

3. Vide order dated 23.01.2024, one more opportunity was granted to the private parties for getting their statements recorded in support of the compromise.

4. In compliance of the aforesaid orders, 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.

5. 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 (CrI.) 1052, this petition is allowed and FIR No. 71 dated 25.08.2023 under Sections 406, 498-A IPC registered at Police Station Women, District Patiala and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 29, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No