

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-56457-2023 (O&M)
Date of decision: 06.02.2024

PAWAN KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Arjun Kapur, Advocate for
Mr. N.G. Sharma, Advocate
for the petitioners.

Mr. Manish Bansal, P.P. U.T., Chandigarh.

Mr. Vishal Mehta, Advocate
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 FIR No.20 dated 02.04.2021 registered at Women Police Station, Chandigarh under Sections 406, 498-A IPC on the basis of compromise deed dated 23.10.2023 (Annexure P-2) effected between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered on account of a matrimonial dispute between the petitioner No.1-Pawan Kumar-husband and respondent No.2-Pooja Rani-wife, which has now been settled and written compromise deed dated 23.10.2023 (Annexure P-2) has been executed between the parties. He further contends that

the parties have also filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, SAS Nagar, Mohali. He submits that respondent No.2 has received a sum of Rs.17,50,000/- at the time of recording of the statement at first motion as per compromise deed. He further submits that respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and receipt of Rs.17,50,000/- by the respondent No.2 at the time of recording of statement at first motion as per compromise deed.

[4] As per order dated 08.11.2023 passed by this Court, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 23.11.2023 of Court of Mr. Chetesh Gupta, Judicial Magistrate 1st Class, Chandigarh, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Sukhdev Singh have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

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

[7] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of

justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end the litigation and filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before Family Court, SAS Nagar, Mohali, as such, further continuing with the present FIR is not in the interest of the parties. 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.20 dated 02.04.2021 registered at Women Police Station, Chandigarh under Sections 406, 498-A IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners. However, the respondent No.2-wife and State shall be at liberty to seek cancellation of this order in case the final terms and conditions of the compromise deed (Annexure P-2) are violated.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No