

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56218-2023(O&M)
Date of Decision: 29.04.2024

AMRINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Bhavna Grewal, Advocate, for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Mr. Ritesh Tomar, Advocate for
Mr. Parmender Singh, Advocate for respondent No. 2.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 214 dated 08.08.2020, under Sections 406, 498-A IPC, registered at Police Station City Hoshiarpur along with all the subsequent proceedings arising therefrom, on the basis of Settlement Agreement between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was got registered at the instance of respondent No.2 on account of matrimonial dispute between the petitioner and respondent No.2. However, compromise has been effected between the parties and a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has been filed which is now pending for 04.04.2024 for recording second motion statement of the parties. The Motion Statement recorded on 04.10.2023 (Annexure P-2) in a joint petition filed by parties contains the terms and conditions of settlement.

[3] Learned counsel appearing on behalf of respondent No. 2 has

confirmed the factum of compromise between the parties and submits that respondent No.2 does not want to take any action in the present FIR.

[4] On 15.01.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 15.04.2024, received from the learned Judicial Magistrate First Class, Hoshiarpur, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender". No other case is pending against the petitioner.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition and has informed that though there were 3 accused named in the FIR but the challan/final report under Section 173 Cr.P.C. was filed only against the present petitioner.

[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, this petition is allowed and FIR No. 214 dated 08.08.2020, under Sections 406, 498-A IPC, registered at Police Station City Hoshiarpur and all the subsequent proceedings emanating therefrom

are ordered to be quashed, qua the petitioner.

[9] However, 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 dated 04.10.2023 are violated.

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

29.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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