

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-56805-2023 (O&M)
Date of decision: 09.01.2024

JATINDER SINGH AND ANOTHER
Versus
...Petitioners

STATE OF PUNJAB AND ANOTHER
...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. D.S. Khurana, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Vipul Babuta, 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.0130 dated 09.11.2022 registered at Police Station Women, District Ludhiana under Sections 406, 498-A of the IPC on the basis of compromise dated 23.10.2023 (Annexure P-1) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that petitioner No.1-Jatinder Singh and respondent No.2-Inderjeet Kaur were married to each other. Due to a matrimonial dispute, the present FIR was registered. He further contends that as per the compromise deed dated 23.10.2023 (Annexure P-1), the parties have resolved their disputes and filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Ludhiana. He submits that out of total agreed amount of 14,70,000/- which is to be paid by the petitioner No.1 to respondent No.2 for her past, present and future

maintenance and permanent alimony, a sum of Rs.7,35,000/- has already been paid and remaining amount would be paid to respondent No.2 on 29.01.2024 on recording of statements of second motion. 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.7,35,000/- by the respondent No.2 as mentioned in the compromise deed dated 23.10.2023 (Annexure P-1).

[4] As per order dated 09.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 03.01.2024 of Court of Ms. Ambika Sharma, Judicial Magistrate Ist Class, Ludhiana, statements of petitioners and complainant-respondent No.2 have been recorded. She has submitted that the compromise is genuine and voluntary without any force or undue influence. No other person is involved in the present FIR. 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 since they have decided to

mutually end the litigation and also filed petition for dissolution of their matrimonial ties under Section 13-B of the Hindu Marriage Act, 1955, 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.0130 dated 09.11.2022 registered at Police Station Women, District Ludhiana under Sections 406, 498-A of the 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-1) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.01.2024
P.Bhatt

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