

Sr. No.247

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

**CRM-M-58289-2023
Date of decision: 15th March, 2024**

GAURAV KUMAR NANDA AND OTHERS**Petitioners**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Antwal, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. A.P.S. Rehan, 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.0258 dated 11.11.2020, under Sections 406, 498-A, 34 IPC, registered at Police Station Model Town, District Hoshiarpur (Annexure P-1), on the basis of compromise deed dated 16.10.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute. With the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise dated 16.10.2023 (Annexure P-2). The parties had filed a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955. The joint statement of parties on first motion has been recorded before the Family Court, Hoshiarpur and petitioner No.1-husband has paid 50% of the total settled amount of Rs.15,00,000/- to respondent No.2-wife qua maintenance of

respondent-wife and the minor child. Respondent No.2-wife does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] Mr. Ajay Pal Singh Rehan, Advocate has caused appearance on behalf of respondent No.2-wife and filed his power of attorney, which is taken on record. He has confirmed the factum of compromise between the parties.

[4] On 20.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 06.02.2024, received from the Judicial Magistrate, Ist Class, Hoshiarpur, through the District & Sessions Judge, Hoshiarpur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender” and they are not involved in any other criminal case.

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

[7] Keeping in view the facts and circumstances of the case and 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.0258 dated 11.11.2020, under Sections 406, 498-A, 34 IPC, registered at Police Station Model Town, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 16.10.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

15th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>