

300 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57773-2023 (O&M)

Date of Decision: 19.03.2024

ANKUSH SINGLA AND OTHERS

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karan Gupta , Advocate,
for the petitioners.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

Mr. Vijay Kumar, 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.0008 dated 19.11.2020 registered at Police Station NRI, District Patiala under Section 406, 498-A IPC, on the basis of compromise-cum-separation agreement dated 30.07.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2, who is wife of the petitioner No.1. The marriage between the petitioner No.1 and respondent No.2 was solemnized on 22.01.2016 at London, Ontario, Canada. After the marriage, both the parties cohabited together and a male child was born out of the wedlock, however due to temperamental differences, the present FIR was registered. Now the matter has been settled between the parties and a

compromise-cum-separation agreement dated 30.07.2023 (Annexure P-2) has been executed between the parties. After the registration of the FIR, the petitioners invoked the jurisdictional powers of the Court under Section 482 Cr.P.C. seeking quashing of the aforesaid FIR. However, during the pendency of the said petition the matter stands compromised.

[3] He further contends that now even the marriage has been dissolved as per order dated 29.01.2024, passed by the Superior Court of Justice at Ontario. A copy of the said order has been supplied in Court today, which is taken on record. Respondent No.2 does not want to take any action in the present FIR on the basis of the said compromise.

[4] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties.

[5] On 06.02.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 04.03.2024, received from the Chief Magistrate, Ist Class, Patiala, through the District & Sessions Judge, Patiala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

[7] In the statement recorded by the Magistrate through video conferencing, respondent No. 2-Neha Khatri (the complainant) stated that the marriage was solemnized with the petitioner Ankur Singla on 22.01.2016. Out of the said wedlock, one male child namely Avyaan Singla, was born on 14.08.2017. They had been residing in Canada in the State of Ontario.

However, they are living separately since 12.09.2019. Now they have applied for divorce before the competent Court at Ontario Canada and she has executed a compromise dated 30.07.2023 with petitioner Ankush Singla.

[8] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has confirmed that in view of the statement of the parties the compromise arrived at between the parties is genuine and voluntarily and out of their free will. There are no additional accused in the FIR which are not party to the present petition and no one has declared as Proclaimed Person.

[9] 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.

[10] Consequently, this petition is allowed and FIR No.0008 dated 19.11.2020 registered at Police Station NRI, District Patiala under Section 406, 498-A IPC, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[11] However, the respondent No.2-Neha Khatri and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 30.07.2023 (Annexure P-2) are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes/No

Yes/No