

Sr. No.281

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

CRM-M-57865-2023
Date of decision: 26th February, 2024

PARAMVIR SINGH AND ORS **.....Petitioners**

versus

STATE OF PUNJAB AND ANR **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kanwaljeet Singh, Advocate for
Mr. L.S. Lakhanpal, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Veeraj Sharma, 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.0229 dated 30.09.2022, under Sections 498-A, 406, 34 IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-2), on the basis of compromise dated 03.11.2023 (Annexure P-3), arrived at between the parties.
2. Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2 on account of a misunderstanding between petitioner No.1-husband and respondent No.2-wife. The matter has been resolved between the parties and they are living together as husband and wife. It is further contended that respondent No.2 does not want to take any action against the petitioners and she has no objection if the FIR is quashed.

3. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioner is quashed.

4. On 17.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 23.02.2024 of the Chief Judicial Magistrate, Sri Muktsar Sahib, through the District & Sessions Judge, Sri Muktsar Sahib, has been received, wherein, following observations have been made:-

1. *In compliance of Order dated 17.11.2023, both the parties have come present on 23.11.2023 and they recorded their statements.*

2. *On 22.02.2024, the Investigating Officer came present and his statement was recorded.*

3. *Complainant Simarpreet Kaur got recorded her statement that she is complainant in the FIR, however, she has compromised the matter with accused persons with intervention of the respectables amicably. The compromise effected is genuine, voluntarily, without any coercion, or undue influence and with the free will of the parties. She has no objection if the FIR No. 229 dated 30.09.2022 U/S 498-A/406/34 of IPC P.S City, Sri Muktsar Sahib be quashed.*

4. *Petitioner/accused namely Paramvir Singh has suffered the statement that he is the accused in the FIR which was registered against him and Jasvinder Kaur and Karanvir Singh on the statement of Simarpreet Kaur. The FIR was registered against only against him, Jasvinder Kaur and Karanvir Singh. Now he has compromised the matter with the complainant with intervention of the respectables amicably. The compromise effected is genuine, voluntarily, without any coercion, or undue influence and with the free will of the parties. He has not been declared proclaimed offender in this case. Except the present FIR, he is not involved in any other case.*

5. *Petitioner/accused namely Jasvinder Kaur has suffered the statement that she is the co-accused in the FIR which was registered against her and Paramvir Singh and Karanvir Singh on the statement*

of Simarpreet Kaur. The FIR was registered against only against her, Paramvir Singh and Karanvir Singh. Now she has compromised the matter with the complainant with intervention of the respectables amicably. The compromise effected is genuine, voluntarily, without any coercion, or undue influence and with the free will of the parties. She has not been declared proclaimed offender in this case. Except the present FIR she is not involved in any other case.

6. *Petitioner/accused namely Karanvir Singh through his Special Power of Attorney Holder namely Paramvir Singh (as the accused Karanvir Singh gone abroad on 07.11.2023 on study visa) has suffered the statement that he is the Special power of attorney holder of accused Karanvir Singh in the FIR which was registered against him (Karanvir Singh) and Jasvinder Kaur and Paramvir Singh (the Attorney) on the statement of Simarpreet Kaur. Karanvir Singh is at present resident of 9425 120 Street, Surrey, BC (Canada). The FIR was registered only against him, Jasvinder Kaur and Paramvir Singh. Now they have compromised the matter with the complainant with intervenion of the respectables amicably. The compromise effected is genuine, voluntarily, without any coercion, or undue influence and with the free will of the parties. He has not been declared proclaimed offender in this case. Except the present FIR he is not involved in any other case.*

7. *From the statements of the parties, it transpires that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter.*

8. *Statement of ASI Harjit Singh, No.385/SMS, P.S. Gidderbaba, Sri Muktsar Sahib was recorded. ASI Harjit Singh stated that he is the Investigating Officer of the case in FIR No. 229 dated 30.09.2022 U/S 498-A/406/34 of IPC P.S City, Sri Muktsar Sahib. As per record available in the police station, there are only three accused namely Paramvir Singh, Jasvinder Kaur and Karanvir Singh involved in this FIR and none of the accused has been declared P.O in this FIR. Challan in this case has been presented, it transpired that no other*

accused involved in the present FIR except the petitioners. No other person is affected/aggrieved party other than complainant/respondent.”

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.
7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others; 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.
8. Since the matter has been resolved between the parties and petitioner No.1 and respondent No.2 are living together as husband and wife, as such, further proceedings on the basis of the present FIR is not in the interest of 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.0229 dated 30.09.2022, under Sections 498-A, 406, 34 IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib (Annexure P-2)and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.
10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th February, 2024
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