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289 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60506-2022 (O&M)
DATE OF DECISION : 29.08.2024

SAIF ALI

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

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

Mr. Vikas 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. 124 dated 14.04.2018, under Sections 376, 506 IPC, 1860, registered at Police Station Daba, Ludhiana (Annexure P-1), on the basis of compromise deed dated 12.12.2022 (Annexure P-7), executed between the parties.

[2] Learned counsel for the petitioner contends that both the petitioner and respondent No.2 are residing together and they have solemnized Nikah on 19.06.2018 as per the Marriage Certificate (Annexure P-3). No dispute is left *inter se* the parties. As such, respondent No.2-wife does not want to take any action against the petitioner in the present FIR.

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

[4] On 11.07.2024, the parties were directed to appear before the

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trial Court/Illaqa Magistrate for recording of their statements regarding the compromise and following order was passed:-

“1. The first petition filed by the petitioner under Section 482 Cr.P.C. bearing No.CRM-M-32468-2021, was dismissed as withdrawn vide order dated 25.08.2021, passed by this Court.

2. The instant second petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.124 dated 14.04.2018, under Sections 376, 506 IPC, 1860, registered at Police Station Daba, Ludhiana (Annexure P-1), on the basis of compromise deed dated 12.12.2022 (Annexure P-7), executed between the parties.

3. Learned counsel for the petitioner inter alia contends that the present FIR was registered at the instance of respondent No.2-prosecutrix. However, the matter stands compromised and compromise deed dated 12.12.2022 (Annexure P-7) has been executed between the parties. The petitioner was granted bail by the learned trial Court vide order dated 06.06.2018. The petitioner has solemnized marriage with respondent No.2 on 19.06.2018 through Nikah ceremony. The Marriage Certificate (Annexure P-3), issued on 19.06.2018, is a part of the paper book. The parties are living together as husband and wife. Respondent No.2 became pregnant and as per the report dated 21.12.2022 (Annexure P-



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10), a female baby was delivered by respondent No.2. However, the baby died and the dead baby was handed over to their relatives. Even at present, the parties are living together as husband and wife. Respondent No.2-wife does not want to take any action against the petitioner in the present FIR.

4. As per the order dated 23.12.2022, passed by the coordinate Bench of this Court, notice of motion was issued and the State was directed to file reply. Reply dated 09.05.2023, was filed by way of affidavit of Sh. Sandeep Wadhera, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, on behalf of respondent-State of Punjab.

5. Learned State counsel, while referring to the said reply, has confirmed that cancellation report under Section 173 Cr.P.C. was prepared on 31.07.2018, which was submitted before the trial Court on 07.03.2022. However, the same was rejected by the trial Court on 07.03.2022 and the Investigating Agency was directed to conduct further investigation in the matter. Learned State counsel submits that further investigation was conducted and it has been confirmed that respondent No.2-complainant and the petitioner have solemnized marriage. Relevant portion of the reply reads as under:-

“xxx xxx xxx xxx

a. That, accordingly further investigation was carried by ASI Jatinder Singh during which the complainant/respondent No.2 again submitted a duly sworn



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Affidavit that the petitioner had not committed rape upon her and infact they both had a quarrel with each other and therefore the complainant had got registered the present false case against the petitioner. The complainant and petitioner has also performed marriage with each other. Accordingly Cancellation Report u/s 173 Cr.P.C. has been prepared in this case on 04.04.2023 and the same has also been submitted before the Ld. Magistrate on 21.04.2023 and now the same is pending in the Court of Ld. JMIC, Ludhiana for 20.05.2023 for the appearance of the complainant.

xxx xxx xxx xxx”

6. Learned counsel appearing on behalf of respondent No.2 confirms the factum of compromise between the parties.

7. Adjourned to 29.08.2024.”

[5] As per the report dated 22.07.2024, received from the learned Judicial Magistrate First Class, Ludhiana, the statements of the parties and ASI Jatinder Singh, Investigating Officer has been recorded. He has confirmed that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

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

[7] The 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

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quashed by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No. 124 dated 14.04.2018, under Sections 376, 506 IPC, 1860, registered at Police Station Daba, Ludhiana 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 12.12.2022 are violated.

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

29.08.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*