

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289

CRM-M-58416-2023 (O&M)
Date of decision: 02.04.2024

JAGDEEP SINGH GILL

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Yash Goyal, Advocate for
Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

Mr. D.B. Singh, Sr. DAG Punjab.

Mr. Ishan Thakur, 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.2 dated 30.01.2019, under Sections 406 and 498-A IPC registered at Police Station NRI, District SAS Nagar (Annexure P-3), on the basis of compromise deed dated 26.08.2023 (Annexure P-5) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner-husband and respondent No.2-wife and compromise deed dated 26.08.2023 (Annexure P-5) has been executed between them, as per which

the parties have decided to file a joint petition for divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, as such, 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.

[4] On 25.01.2024, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 01.04.2024, received from the Judicial Magistrate, Ist Class, SAS Nagar Mohali, forwarded through District and Sessions Judge, SAS Nagar, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioner and he has not been declared "Proclaimed Offender".

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

[7] Since the matter has been settled between the parties and the parties have buried the hatchet and given quietus to the matter and 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.2 dated

30.01.2019, under Sections 406 and 498-A IPC registered at Police Station NRI, District SAS Nagar (Annexure P-3) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, the 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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

02.04.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No