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

CRM-M-58625-2023 (O&M)

Date of Decision: 03.09.2024

SANDEEP JAIN

.....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Anmol Puri, Advocate,
for the petitioner.

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

Ms. Gursimran Walia, Advocate,
for respondent No. 2.

Mr. Shreesh Kakkar, Advocate,
for respondent No. 3.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 42, dated 09.03.2021, registered at Women Police Station, District Ludhiana, under Section 498-A of the IPC, on the basis of a compromise deed dated 16.10.2023 (Annexure P-2) executed between the parties.

2. It is contended on behalf of the petitioner that it was a matrimonial dispute. The FIR was registered at the instance of respondent No. 2-complainant (wife). Now the parties have amicably settled their dispute. In pursuance to the said settlement, they have decided to live separately. As per compromise, Annexure P-2, the parties have settled the



question of maintenance and the petitioner has agreed to pay a sum of ₹99,24,257/- to respondent No.2 on account of past and future maintenance. No dispute is left *inter se* between the parties. Respondent No. 2, at whose instance the present FIR was registered, does not want to take any action against the petitioner.

2.1 Learned counsel for the petitioner further contends that one person, namely, Sameer Jain was impleaded in the present petition as respondent No. 3, in compliance of the order dated 22.03.2024 passed by this Bench. The allegations were levelled against him in the complaint given by respondent No. 2-complainant but his name was neither arrayed in the present FIR nor in the final report ('*challan*') presented before the trial Court. However, in compliance of the order dated 18.07.2024 passed by this Bench, respondent No. 3 has also appeared and recorded his statement before the trial Court. The same has been annexed with the present petition.

3. A status report, dated 02.09.2024, by way of an affidavit of Sh. Gurpreet Singh (PPS), ACP, CAW & Licensing Authority, Ludhiana, has been filed in Court today by learned State counsel. The same is taken on record.

3.1 Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has also confirmed the fact that Sameer Jain was neither arrayed as accused in the FIR nor final report ('*challan*') was presented against him. He also confirms the fact that there was only one affected party in the present FIR, i.e. respondent No. 2-complainant.



4. On 01.02.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

5. As per the report dated 30.08.2024, received from the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has never been declared as “Proclaimed Offender” in the present case. Respondent No. 2-complainant does not want to take any action against the petitioner. She has no objection if the present FIR against the present petitioner is quashed by this Court. Statement of respondent No. 3-Sameer Jain has also been recorded in compliance of the order dated 18.07.2024 passed by this Bench.

6. 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.

7. The matrimonial dispute between the parties stands settled. In view the above, no useful purpose would be served to continue with the prosecution of the petitioners in the instant FIR.

8. Keeping in view the above and in view of the ratio of the decision of the 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.



9. Consequently, this petition is allowed and FIR No. 42, dated 09.03.2021, registered at Women Police Station, District Ludhiana, under Section 498-A of the IPC, on the basis of a compromise deed dated 16.10.2023 (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.
10. However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 16.10.2023 (Annexure P-2) are violated.
11. Pending miscellaneous application(s), if any, shall also stand disposed of.

September 03, 2024

(HARPREET KAUR JEEWAN)

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JUDGE

Whether Speaking

Yes

Whether reportable

No