

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

CRM-M-58307-2023 (O&M)

Date of Decision: 31.01.2024

SOVIN HANEJA

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karan Singla, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Ms. Malvi Aggarwal, 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. 0038 dated 15.02.2022, registered at Police Station Women District Ludhiana, under Sections 406 and 498-A of the IPC, on the basis of a compromise dated 04.07.2023 (Annexure P-2) 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, the petitioner and respondent No. 2 have decided to live together. It is further contended that respondent No. 2 at whose instance the present FIR was registered, does not want to take any action against the petitioner.

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 20.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 19.01.2024 of the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, has been received. As per said report, the compromise between the parties is genuine.

The relevant portion of the said report reads as under:-

XXXX XXXX XXXX XXXX

“The undersigned has recorded the separate statement of complainant namely Harleen Kaur D/o Jaspal Singh Manocha who stated in her statement that she is the complainant of the present case and on her statement present case bearing FIR No.38 dated 15.02.2022, u/s 406, 498- A IPC, PS Women, Ludhiana was registered against accused namely Sovin Haneja. Now with the intervention of respectables, she has entered into compromise with the accused without any pressure, coercion and undue influence. She has no objection, if the present FIR be quashed. She has also placed on record copy of her Aadhar card as her identity proof. Thereafter, separate statement of accused Sovin Haneja was recorded who stated in his statement stated he is the accused in the present case and with the intervention of respectables, he has entered into compromise with the complainant without any pressure, coercion and undue influence as detailed in his statement and he has no objection if quashing petition is accepted. He also placed on record his adhaar card as his identity proof Thereafter, undersigned recorded the statement of 10 ASI Harjinder Singh

No.1060/Ldh, PS Women, Ludhiana who in his statement stated thir he is the 10 of the present case and as per record present FIR has been registered against accused Sovin Haneja only, Also, Harleen Kaur is the only complainant in the present case. He further stated that above said parties have never been declared PO by any court nor any other criminal case is registered against them.

3 The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There is only one accused arrayed in the present case namely Sovin Hanej. Also, Harleen Kaur is the only complainant in the present case. Now matter has been compromised. Hence, report is hereby sent your goodself for your kind perusal.”

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 it was a matrimonial dispute between the petitioner and respondent No. 2 which has been now resolved 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. 0038 dated 15.02.2022, registered at Police Station Women District Ludhiana, under Sections 406 and 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

January 31, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No