

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

CRM-M-58623-2023 (O&M)

Date of Decision: 19.03.2024

VIKRAMJEET SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav Vir Singh Behl, Advocate, for the petitioner.

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

Mr. Supneet Singh, Advocate,

Mr. H.P.S. Bangarh, 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. 24 dated 04.10.2023, under Section 498-A of the IPC, registered at Women Police Station District Malerkotla, (Annexure P-1), on the basis of compromise/settlement agreement dated 06.11.2023 (Annexure P-2) arrived at between the parties.

[2] Counsel for the petitioner contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A compromise/settlement agreement dated 06.11.2023 (Annexure P-2) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court at Malerkotla.

As per the terms of the compromise, a sum of ₹35,00,000/- in respect of past,

present and future maintenance be paid by the petitioner to respondent No. 2.

Out of the said amount, ₹17,50,000/- has already been paid at the time of recording of the statements of first motion. The remaining amount of ₹17,50,000/- will be paid by the petitioner to respondent No. 2-complainant at the time of recording of the second motion statements.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2 has no objection if the present FIR against the present petitioner is quashed by this Court.

[4] On 21.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 31.01.2024, received from the Judicial Magistrate, Ist Class, Malerkotla, through the District & Sessions Judge, Sangrur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

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

[7] 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. 24 dated 04.10.2023, under Section 498-A of the IPC, registered at Police Station Women, District Malerkotla, (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Smt. Avnish Kaur and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise/ settlement agreement dated 06.11.2023 (Annexure P-2) are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes/No

Yes/No