

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42063-2018 (O&M)
Date of Decision: 22.04.2024

GURPREET KAUR & OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Malkeet Singh, Advocate, for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

None for respondent No. 2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 33 dated 05.04.2018, registered at Police Station Sadar Nawanshahar, District SBS Nagar under Sections 406, 498-A, 506 of the IPC, on the basis of compromise deed dated 17.04.2018 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered on account of matrimonial dispute between petitioner No.3-husband and respondent No. 2-wife which stands resolved now. The marriage of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce under Section 13 of Hindu Marriage Act in terms of the judgment and decree dated 20.11.2018 passed by the learned Family Court, Shaheed Bhagat Singh Nagar.

[3] On 24.09.2018 learned counsel for respondent No. 2 had confirmed the factum of compromise between the parties.

[4] On 24.09.2018, 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 04.12.2018, received from the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender". Though one of the petitioner namely Gurmeet Singh did not appear for making a statement. However, the statement of other petitioners and respondent No.2-complainant was recorded. The statement of complainant- respondent No.2 reads as under"-

"I am complainant in the present case bearing FIR No 33 dated 05.04.2018, u/s 406/498A/506 IPC, PS Sadar Nawanshahr, District SBS Nagar. I have compromised the matter with accused/petitioners namely Gurpreet Kaur petitioner no 1, Gurmeet Singh petitioner no 2, Harjit Singh petitioner no 3, Avtar Kaur petitioner no 4, with my own free will and without any undue influence and coercion. I have willingly entered into compromise with the above said petitioners/accused persons and I admit the compromise deed to be correct and binding, which bears my signature and the certified copy of the same is Annexure "A" and Copy of my aadhar card is annexure "B". I have no objection if the present FIR against all the above said petitioners/accused is quashed."

[6] Learned State counsel, on instructions from ASI Amarjeet, has not raised any objection regarding the acceptance of the present petition.

[7] The matrimonial 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

(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. 33 dated 05.04.2018, registered at Police Station Sadar Nawanshahar, District SBS Nagar under Sections 406, 498-A, 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[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 17.04.2018 are violated.

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

22.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No