



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278+122

CRM-M-10211-2024 (O&M)
Date of decision: 11.09.2024

DAMANJIT SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. S.K. Kanojia, Advocate
for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Harpreet Singh, Advocate for
Mr. Loveleen Nanda, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

CRM-36624-2024

[1] The application filed by the petitioners for placing on record decree of divorce dated 24.07.2024 passed by the Family Court, Kharar (Camp Court) as Annexure P-5, is allowed.

[2] Annexure P-5 is taken on record subject to all just exceptions and office to tag the same at appropriate place.

Main case

[1] The present petition has been filed under Section 482 of the Code of



Criminal Procedure, 1973 for quashing of FIR No.81 dated 04.10.2023, under Sections 406 and 498-A IPC registered at Police Station Women, District SAS Nagar (Annexure P-1), on the basis of compromise(Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *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 petitioners and respondent No.2; and compromise deed (Annexure P-2) has been executed between petitioner No.1-husband and respondent No.2-wife before Mediation and Conciliation Centre, SAS Nagar. He submits that a joint petition for divorce filed under Section 13-B of the Hindu Marriage Act, 1955 on behalf of the petitioner No.1-husband and respondent No.2-wife has already been accepted by the Family Court, Kharar (Camp Court) vide judgment and decree dated 24.07.2024 (Annexure P-5), as such respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

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

[5] On 05.03.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 20.04.2024 received from Judicial Magistrate 1st Class, SAS Nagar forwarded through the office of District and Sessions Judge, SAS Nagar, compromise effected between the parties is genuine, voluntary and



without any coercion or undue influence. The petitioners have not been declared as ‘Proclaimed Offenders’.

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

[8] 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 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.81 dated 04.10.2023, under Sections 406 and 498-A IPC registered at Police Station Women, District SAS Nagar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

11.09.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No