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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60157-2023 (O&M)
Date of Decision: 18.04.2024

NITISH KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sukhdeep Singh, Advocate, for the petitioner.

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

Mr. Amit Dhawan, 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.19 dated 24.02.2023, registered at Police Station Women, Police Commissionerate, District Jalandhar under Sections 406, 498-A of the IPC on the basis of compromise dated 23.11.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered on account of the matrimonial dispute between the petitioner and respondent No. 2 which stands resolved now. The petitioner and respondent No.2 have decided to part ways by filing a petition for divorce by mutual consent under Section 13-B of Hindu Marriage Act. Both the parties will withdraw the cases filed against each other.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties.

[4] On 30.11.2023, 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 14.12.2023, received from the learned Judicial Magistrate First Class, Jalandhar the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender". No other case is pending against him.

[6] Learned State counsel 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 *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. 19 dated 24.02.2023, registered at Police Station Women, Police Commissionerate, District Jalandhar under Sections 406, 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[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 23.11.2023 are violated.

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

18.04.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No