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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61148-2023 (O&M)

Date of Decision: 19.03.2024

MANPREET SINGH AND ANOTHER

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.K.S Phoolka, Advocate,
for the petitioners.

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

Mr. Davinder Kumar, 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. 0068 dated 05.11.2022, under Sections 498-A, 406, 506 and 506 of the IPC, registered at Police Station Women District Bathinda, on the basis of compromise arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the matrimonial dispute between the parties has been settled now and they have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, where respondent No. 2 has given a statement in the first motion on 11.04.2023 (Annexure P-3) that she does not want to take any action against the present petitioners in the present FIR. As per the statement of petitioner No. 1-Manpreet Singh recorded before the Family Court, he has agreed to

pay a total sum of ₹4,50,000/-, to respondent No. 2 in respect of her past, present and future maintenance. Out of the said amount, ₹2,50,000/- has already been paid in the shape of an FDR to respondent No. 2 on 09.12.2022 and the remaining amount of ₹2,00,000/- has also been received by her as recorded in paragraph 5 of the judgment of the learned Family Court, Bathinda, on 18.10.2023, while passing the decree of divorce (Annexure P-6).

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that full and final payment has been received by the complainant-respondent No. 2. She has no objection if the present FIR against the present petitioners is quashed by this Court.

[4] On 20.12.2023 , 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 13.02.2024, received from the Judicial Magistrate, Ist Class, Bathinda, through the District & Sessions Judge, Bathinda, 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] Since the marriage has been dissolved between the parties and a decree of divorce has also been passed by the learned Family Court

(Annexure P-6) and in view of the fact that compromise arrived at between the parties is genuine and voluntarily and further keeping 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. 0068 dated 05.11.2022, under Sections 498-A, 406, 506 and 506 of the IPC, registered at Police Station Women District Bathinda and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[09] However, the respondent No.2- Nirmal Kaur and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

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

March 19, 2024

(HARPREET KAUR JEEWAN)

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JUDGE

Whether Speaking	Yes
Whether reportable	No