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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61064-2023 (O&M)

Date of Decision: 15.04.2024

GURMEET SINGH AND OTHERS
V/S
STATE OF PUNJAB AND OTHERS

... PETITIONERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naveen Bawa, Advocate, for the petitioners.
Mr. Rishabh Singla, AAG Punjab.
Mr. Vishnu Dutt, Advocate, for respondent Nos. 2&3.

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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.63 dated 28.07.2017 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Bhindi Saidan, District Amritsar, along with all the subsequent proceedings arising therefrom, on the basis of a compromise deed dated 22.11.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered by respondent No.3 on account of the matrimonial dispute between petitioner No.1 and respondent No. 2 which stands resolved now. The petitioner No.1 and respondent No. 2 have decided to part ways and file a petition for divorce by mutual consent under Section 13-B of Hindu Marriage Act. Both the parties have also undertaken to withdraw the cases filed against each other.

[3] Learned counsel appearing on behalf of respondent Nos. 2 and 3 has confirmed the factum of compromise between the parties and submits

that respondent No.2 does not want to take any action in the present FIR.

[4] On 13.12.2023, 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 27.03.2024, received from the learned Judicial Magistrate First Class, Ajnala, 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". No other case is pending against the petitioners.

[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.63 dated 28.07.2017 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Bhindi Saidan, District Amritsar and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, respondent Nos.2 & 3 and the State shall be at liberty

to seek cancellation of this order, in case the final terms and conditions of compromise dated 22.11.2023 are violated.

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

15.04.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No