

CRM-M-61569-2023
Date of decision: 03.04.2024

...PETITIONERS

V/S

...RESPONDENTS

Present: Mr. Sartaj Singh Gill, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Madhav Rao Rajwade, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.55 dated 19.05.2023 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police Station PS Women, District Police Commissionerate, Jalandhar (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 18.10.2023 (Annexure P-2).

2. The following order was passed on 07.12.2023 :-

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.55 dated 19.05.2023 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police Station PS Women, District Police Commissionerate, Jalandhar (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 18.10.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the FIR is the result of matrimonial discord between the parties and

the parties have since resolved all their disputes by way of compromise dated 18.10.2023 and have decided to live together as husband and wife. Learned counsel for the petitioners has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. M.S. Rajwade, Advocate accepts notice for respondent No.2/complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed in view of the compromise between the parties.

List on 03.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 16.01.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromise dated 18.10.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties."*

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.55 dated 19.05.2023 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police Station PS Women, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 03, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No