

Sr. No.288

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-62170-2023
Date of decision: 01st April, 2024

DINESH KUMAR AND ANR**Petitioners**

versus

STATE OF PUNJAB AND ORS**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Manju Goyal, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Aarush Neeraj Vaid, Advocate
for respondents No.2 to 4.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.62 dated 14.08.2022, under Sections 498-A, 323 IPC (Section 325 IPC added later on), registered at Police Station City Balachaur, District SBS Nagar (Annexure P-1), on the basis of compromise deed dated 19.09.2022 (Annexure P-3) between the parties.

[2] Learned counsel for the petitioners contends that petitioner No.1-husband got married to respondent No.2-wife in the year 2015 and even 02 children were born out of the wedlock. The present FIR was registered due to some misunderstanding between the parties and now, the matter stands resolved. The parties have effected a compromise deed dated 19.09.2022 (Annexure P-3). Respondent No.2-wife does not want to take any action in the present FIR. It is further contended that on the basis of the compromise between the parties, during

registered against the petitioners as well as a cancellation report in the cross-version matter i.e. DDR No.23 dated 19.08.2022, registered against respondents No.2 to 4, has been prepared, which would be produced before the trial Court.

[3] Learned counsel appearing on behalf of respondents No.2 to 4 has confirmed the factum of compromise between the parties.

[4] On 01.02.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] Report dated 20.03.2024 has been received from the Judicial Magistrate, Ist Class, Balachaur, through the District & Sessions Judge, SBS Nagar, with the following observations:-

- (i) *As per the statements of both the parties, compromise is genuine.*
- (ii) *As per the statement of IO/ASI Lakhvir Chand, all the injured/victim and accused are party to the compromise.*
- (iii) *As per the statement of IO/ASI Lakhvir Chand no other accused involved in the present case.*
- (iv) *As per the statement of IO/ASI Lakhvir Chand, none of the accused person was declared proclaimed offender.*
- (v) *As per the statement of IO/ASI Lakhvir Chand, Section 325 of IPC was added later on vide rapt No.13 dated 19.08.2022.*
- (vi) *As per the statement of IO/ASI Lakhvir Chand, there is no other criminal case pending against the accused persons.*

It has been further reported that the compromise has been effected between the parties out of their free will and without any kind of coercion and undue influence.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. Learned State counsel has filed status report by way of affidavit of Sh. Sham Sunder, PPS, Deputy Superintendent of Police, Sub-

Division Balachaur, District SBS Nagar, on behalf of respondent-State of Punjab, which is taken on record.

[7] As per the prosecution case, the marriage between the petitioner No.1-Dinesh Kumar and respondent No.2-Shivani Chaudhary was solemnized in the year 2015 and out of the wedlock, 02 children were born. After the marriage, demand of a car and cash was made from respondent No.2. On 12.08.2022, petitioner No.1 (husband) came home in a drunken condition and inflicted injuries upon respondent No.2. Thereafter, respondent No.2 called her brother namely Akash Chaudhary (respondent No.3) and the respondent No.2, along with her children, was turned out of her matrimonial house. There was a fight *inter se* the parties and as per the copy of medico legal report dated 13.08.2022, respondent No.2-Shivani Chaudhary sustained injuries, as such, FIR No.62 dated 14.08.2022 was registered at her instance. On 14.08.2022, the medico-legal report of petitioner No.1, having sustained 04 injuries, was also received. As per the X-Ray report, injuries No.1 and 3 were declared to be grievous in nature, as such, the petitioner No.1 got registered DDR No.23 dated 19.08.2022, under Sections 323, 325, 341, 506, 34 IPC, against respondents No.2 to 4. Investigation in this matter was also initiated along with the main case i.e. FIR No.62 dated 14.08.2022. As per the status report, the parties have effected a compromise, as such, cancellation report has been recommended in the aforesaid FIR No.62 as well as in the DDR No.23. However, challan/final report under Section 173 Cr.P.C. is yet to be presented.

[8] It was a matrimonial dispute *inter se* the parties, which has now been amicably resolved. Even the Investigating Agency has prepared a cancellation report. The parties want to give quietus to the matter, as such, it would not be in the interest of the children to pursue further in the present FIR.

[9] Keeping in view the facts and circumstances of the case and 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.

[10] Consequently, the present petition is allowed and FIR No.62 dated 14.08.2022, under Sections 498-A, 323 IPC (Section 325 IPC added later on), registered at Police Station City Balachaur, District SBS Nagar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 19.09.2022 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

01st April, 2024
sim

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