

CRM-M-62521-2023
Date of decision: 16.04.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Komal Preet Kaur, Advocate for
Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. G.S. Rawat, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.98 dated 22.10.2019 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women, Jalandhar (Annexure P-1) along with all the subsequent proceedings arising therefrom, on the basis of a compromise dated 17.10.2023 (Annexure P-2) arrived at between the parties.

2. The following order was passed on 13.12.2023 :-

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.98 dated 22.10.2019 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women, Jalandhar, along with all the subsequent proceedings arising therefrom, on the basis of a compromise dated 17.10.2023 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners would contend that the petitioner and the complainant-respondent No.2 have since resolved all their disputes and entered into a compromise

(Annexure P-2). Learned counsel would further contend that a decree of divorce by mutual consent has already been granted vide judgment dated 25.10.2023 (Annexure P-3). Learned counsel for the petitioners has relied upon the judgment by the Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgment 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. G.S. Rawat, Advocate appears and accepts notice on behalf of complainant-respondent No.2 and files power of attorney. The same is taken on record. Copy of the petition has already been supplied to both the counsel.

Learned counsel for respondent No.2 has stated that the parties have since entered into a compromise which has been signed by respondent No.2 as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the FIR is quashed.

List on 16.04.2024.

Meanwhile, the parties are directed to appear before the concerned Chief Judicial Magistrate/Illaq Magistrate/trial Court on 25.01.2024, 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 settlement/compromise dated 17.10.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.*

4) *Whether all the accused are party to the compromise.”*

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.98 dated 22.10.2019 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women, Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 16, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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