

CRM-M-63013-2023 (O&M) - 1 -

2023 : PHHC : 032768

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63013-2023 (O&M)

Date of Decision: 06.03.2024

RAJ KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Baljinder Singh, 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. 36 dated 02.06.2021, under Sections 406, 498-A, 420 IPC, registered at Police Station Women, District Patiala (Annexure P-1), on the basis of compromise dated 26.04.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of matrimonial dispute. The petitioner and respondent No.2 have finally resolved their disputes during the pendency of the petition under Section 25 of the Guardian and Wards Act, 1890. In her statement dated 26.04.2023, recorded by the learned Additional Civil Judge (Senior Division), Rajpura, respondent No.2 has stated that she has compromised the matter with

petitioner-Raj Kumar and has agreed to withdraw all the cases filed by her

against the petitioner. A petition under Section 13-B of the Hindu Marriage Act, 1955 was filed and decree of divorce dated 28.08.2023 has been passed by learned Principal Judge, Family Court, Rajpura (Annexure P-3).

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

[4] On 14.12.2023, 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 12.01.2024, received from the Judicial Magistrate, Ist Class, Patiala through the District & Sessions Judge, Patiala, 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. It has been further mentioned that ASI Tajinder Pal Singh has stated that after registration of the FIR, offence under Section 201 IPC was added in the present case.

[6] Learned counsel for the petitioner contends that he may be permitted to add Section 201 IPC in the head note and prayer clause of the petition.

[7] Since the parties have effected the compromise and the State has not raised any objection, as such, the petitioner is permitted to amend the head note and prayer clause of the petition.

[8] Necessary correction be made in the head note and prayer clause of the petition.

[9] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[10] 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.

[11] Consequently, this petition is allowed and FIR No. 36 dated 02.06.2021, under Sections 406, 498-A, 420 IPC, registered at Police Station Women, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner. This order may be construed to have been passed with regard to Section 201 IPC also.

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

06.03.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No