



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

302

CRM-M-64144-2023 (O&M)

Date of decision: 01.08.2024

MANOJ SHARMA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. T.S. Grewal, Advocate
for the petitioner.

Mr. D.B. Singh, Sr. DAG, Punjab.

Mr. Vishavjeet Gill, Advocate for
Mr. S.S. Kang, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.231 dated 19.12.2012, under Sections 498-A and 406 IPC (Section 406 IPC added later on) registered at Police Station City Dhuri, District Sangrur (Annexure P-1) and judgment and order dated 04.10.2018 (Annexure P-2) passed by the learned Sub Divisional Judicial Magistrate, Dhuri and all subsequent proceedings arising therefrom on the basis of compromise deed dated 22.11.2023 (Annexure P-5) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner and respondent No.2; and compromise deed dated 22.11.2023 (Annexure P-5) has been executed between them. He submits that a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has



CRM-M-64144-2023 (O&M)

- 2-

been filed on behalf of the petitioner-husband and respondent No.2-wife before the Family Court, Sangrur. As such respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

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

[5] On 13.05.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. The said order reads as under:

‘2. Counsel for the petitioner inter alia contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A compromise deed 22.11.2023 (Annexure P-5) has been executed between the parties. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court, Sangrur.

3. Notice of motion in this petition has already been issued vide order dated 21.12.2023 passed by this Bench.

4. Learned counsel for the State seeks time to verify as to whether all the accused and victim in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender.

5. Learned counsel appearing for respondent No. 2 also confirms about factum of compromise between the parties.

6. Adjourned to 01.08.2024.

7. The parties are directed to appear before the trial Court/Illaq Magistrate up-to 02.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this dCourt on the following facts well before the next date of hearing.’

[6] As per the report dated 06.07.2024 received from Sub Divisional Judicial Magistrate, Dhuri forwarded through the office of District and Sessions Judge, Sangrur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared



CRM-M-64144-2023 (O&M)

- 3-

as 'Proclaimed Offender'.

[7] The matrimonial dispute between the parties stands resolved. In view of the above, no useful purpose would be served to continue with the prosecution of the petitioners in the present FIR.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.231 dated 19.12.2012, under Sections 498-A and 406 IPC (Section 406 IPC added later on) registered at Police Station City Dhuri, District Sangrur (Annexure P-1) and judgment and order dated 04.10.2018 (Annexure P-2) passed by the learned Sub Divisional Judicial Magistrate, Dhuri and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-5) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

01.08.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No