

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-63440-2023 (O&M)

Date of decision: 09.04.2024

CHARANJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajneesh Budhiraja, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Himanshu Jain, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 21 dated 01.05.2018 registered under Sections 498-A, 406, 323 of Indian Penal Code at Police Station Mullanpur, SAS Nagar and all subsequent proceedings arising therefrom in view of the compromise dated 29.05.2019 (Annexure P-2) and decree of divorce dated 07.12.2019 (Annexure P-3) passed by learned Additional District Judge, Chandigarh.

2. The following order was passed on 18.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.21 dated 01.05.2018 under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860 registered at Police Station Mullanpur, District SAS Nagar (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 29.05.2019 (Annexure P-2) and decree of divorce dated 07.12.2019 (Annexure P-3). Earlier, two petitions were filed for quashing of the present FIR. The first petition being CRM-M-37551-2020 was dismissed vide order dated 22.03.2021 as the complainant refused to get her statement recorded despite numerous opportunities. Thereafter,

CRM-M-12761-2023 was filed for quashing of the present FIR on merits, which was dismissed as withdrawn On 07.12.2023 with liberty to the petitioner to file a fresh petition for quashing of the FIR on the basis of compromise.

*Learned counsel for the petitioner would contend that the parties have now resolved all their disputes and that a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 also stands granted to them. Learned counsel for the petitioner has relied upon the judgment of 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. Jashandeep Singh, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Sorabh Goyal, Advocate accepts notice for respondent No.2-complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel for respondent No.2 has also reiterated that the parties have since entered into the compromise voluntarily and willingly and that respondent No.2 would have no objection if the aforesaid FIR is quashed in view of the compromise entered into between the parties. Learned counsel for respondent No.2 assures the Court that respondent No.2-complainant would get her statement recorded this time.

*List on **09.04.2024.***

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 29.01.2024, 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 29.05.2019 (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 aforesaid 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. 21 dated 01.05.2018 registered under Sections 498-A, 406, 323 of Indian Penal Code at Police Station Mullanpur, SAS Nagar and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 09, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

(ii) Whether reportable

Yes/No

Yes/No