

Sr. No.125+306
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14410-2024 in/and
CRM-M-64618-2023
Date of decision: 03rd April, 2024

SANTOSH RANI AND ANOTHER**Petitioners**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Paras Jagga, Advocate
for the applicant-petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

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

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-14410-2024

Allowed as prayed for. Copy of judgment dated 15.02.2024, passed by the Family Court, Ludhiana in a petition under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-4, subject to all just exceptions.

CRM-M-64618-2023

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.126 dated 18.10.2022, under Sections 406, 498-A, 420 IPC, registered at Police Station Women, Police Commissionerate, Ludhiana (Annexure P-1), on the basis of compromise deed dated 20.10.2023 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the marriage of petitioner No.2 and respondent No.2 was solemnized on 09.11.2015 and two

children were born out of the said wedlock. The FIR was registered at the instance

of respondent No.2-wife on account of a matrimonial dispute. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 20.10.2023 (Annexure P-2). As per the compromise, the parties have decided to part ways and a joint divorce petition under Section 13-B of the Hindu Marriage Act, 1955 has already been filed by them. The matter has been settled for a total sum of Rs.22,00,000/- as full and final settlement towards past, present and future maintenance qua permanent alimony. Respondent No.2 has received has received all her articles of *Istridhan*. The custody of the minor children shall remain with respondent No.2. No other case is pending between the parties. Respondent No.2-complainant does not want to pursue the FIR and she has no objection if the FIR is quashed.

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

[4] On 04.01.2024, 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 22.02.2024, received from the Judicial Magistrate, Ist Class, Ludhiana, through the District & Sessions Judge, Ludhiana, compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offenders” and they are not involved in any other criminal case.

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

[7] The compromise between the parties appears to be genuine and voluntarily made. 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

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.

[8] Consequently, this petition is allowed and FIR No.126 dated 18.10.2022, under Sections 406, 498-A, 420 IPC, registered at Police Station Women, Police Commissionerate, Ludhiana (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 20.10.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)

JUDGE

03rd April, 2024

sim

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No