

314 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64353-2023 (O&M)

Date of Decision: 19.03.2024

HARPREET SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Randeep Singh Gill, Advocate, for
Mr. Jaskirat Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

Mr. Manpreet 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. 135 dated 12.08.2018, under Sections 498-A and 406 of the IPC (Sections 201 of the IPC and Sections 2, 3 and 4 of the Dowry Prohibition Act, 1961 were added later), registered at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1), on the basis of compromise dated 24.11.2023 (Annexure P-4) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the instant FIR was registered due to matrimonial dispute. Even the petitioner and respondent No.2 have now settled their dispute and a compromise dated 24.11.2023 (Annexure P-4) was arrived at between the parties. Both the parties had already filed joint petition for divorce under Section 13-B of the

Hindu Marriage Act, 1955, before the Family Court, Sri Muktsar Sahib at Camp Court Malout, in which a judgment and decree of divorce has been granted vide order dated 13.02.2024 passed by learned Principal Judge, Family Court, Sri Muktsar Sahib. A copy of the judgment and decree has also been supplied in Court today by learned counsel for the petitioner. The same is taken on record.

[3] Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties. He submits that respondent No. 2-complainant has no objection if the present FIR against the present petitioner is quashed by this Court.

[4] On 09.01.2024, 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 12.02.2024, received from the Sub Divisional Judicial Magistrate, Malout, through the District & Sessions Judge, Muktsar Sahib, 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.

[6] A reply, dated 19.03.2024, by way of an affidavit of Sh. Pawanjit, Deputy Superintendent of Police, Sub-Division Malour, District Sri Muktsar Sahib, has been filed in Court today by learned State counsel. In the said reply, it has been submitted that after completion of the investigation, ‘*challan*’ has been presented before the trial Court on 02.09.2019 and charges were framed on 07.11.2019 and now the trial is

pending for 06.04.2024. Out of total 41 witnesses, only 3 have been examined so far. He has raised ‘no objection’ regarding the acceptance of the present petition.

[7] 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.

[8] Consequently, this petition is allowed and FIR No. 135 dated 12.08.2018, under Sections 498-A and 406 of the IPC (Sections 201 of the IPC and Sections 2, 3 and 4 of the Dowry Prohibition Act, 1961 were added later), registered at Police Station City Malout, District Sri Muktsar Sahib and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[09] However, the respondent No.2-Rupinder Kaur and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 24.11.2023 (Annexure P-4) are violated.

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

March 19, 2024

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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Whether reportable

Yes/No

Yes/No