

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CRM-M-64090-2023 (O&M)
Date of decision: 18.04.2024

MANISH BAWA AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Yogesh Kumar Aneja, Advocate
for the respondent No. 2-complainant.

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. 69 dated 31.03.2022 registered under Sections 406, 498-A of Indian Penal Code at Police Station City Muktsar, District Shri Muktsar Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 15.12.2023(Annexure P-2).

2. The following order was passed on 20.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.69 dated 31.03.2022 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station City Muktsar, District Shri Muktsar Sahib (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 15.12.2023 (Annexure P-2).

Learned counsel for the petitioners would contend that the FIR is the result of matrimonial discord between the parties and now all disputes stand settled between them by way of a compromise dated 15.12.2023 (Annexure P-2). Learned counsel would further contend that a petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent has also been filed wherein the first motion statements stand recorded. Learned counsel

for the petitioners has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement 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. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Yogesh Kumar Aneja, Advocate accepts notice for respondent No.2/complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. Learned counsel further submits that respondent No.2 has no objection if the aforesaid FIR is quashed in view of the compromise between the parties.

List on 18.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 01.02.2024, 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 15.12.2023 (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. Learned counsel for respondent No. 2 submits that the part payment towards permanent alimony in terms of the compromise is yet to be paid to respondent No. 2 and next date before the learned Family Court for recording of the statements of the parties at the stage of second motion is fixed for 03.07.2024.

5. 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 (CrI.) 1052**, this petition is allowed and FIR No. 69 dated 31.03.2022 registered under Sections 406, 498-A of Indian Penal Code at Police Station City Muktsar, District Shri Muktsar Sahib and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

6. However, in case, the petitioners fail to comply with the terms and conditions of the compromise with regard to making payment of the pending amount towards permanent alimony, then respondent No. 2 would be at liberty to revive the present petition.

April 18, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No