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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64565-2023 (O&M)

Date of Decision: 21.03.2024

RAJESH KUMAR AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Hasrat Brar, Advocate for the petitioners.

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

Mr. Paramveer Singh, Advocate for
Mr. J.S. Dhaliwal, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 30 dated 05.03.2022, registered at Police Station Mamdot, District Ferozepur under Sections 354, 323, 148, 149 of the IPC on the basis of compromise dated 13.12.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between petitioner No.1 (husband) and respondent No.2 (wife), which has now been amicably resolved.

[3] Learned counsel for the parties are *ad idem* that a joint petition under Section 13-B of the Hindu Marriage Act has been filed before the learned Family Court, Ferozepur and entire payment as per the settlement/compromise dated 13.12.2023 (Annexure P-2) has been received

by respondent No.2 and she does not want to take any action against the petitioners.

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

[5] On 21.12.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 12.02.2024, received from the learned Judicial Magistrate First Class, Ferozepur, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offender".

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

[8] Keeping in view the facts and circumstances of the case, 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. 30 dated 05.03.2022, registered at Police Station Mamdot, District Ferozepur under Sections 354, 323, 148, 149 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, respondent No.2-Mamta Rani and the State shall be

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at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 13.12.2023 are violated.

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

21.03.2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No ;

Whether reportable : Yes/No