

CRM-M-64496-2023 (O&M) - 1 - 2024 : PHHC : 053419

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64496-2023 (O&M)
Date of Decision: 20.04.2024

GURPAL SINGH @ GURPAL SHAHRI ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kuldip Singh, Advocate, for the petitioner.

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

Mr. Vishneet Singh Kathpal, Advocate for
Mr. Rakesh Kumar, 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.124 dated 27.06.2022, registered at Police Station Sadar Fazilka, District Fazilka under Sections 506 and 498-A of the IPC, on the basis of compromise deed dated 18.12.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered on account of the matrimonial dispute between petitioner and respondent No. 2. Both the parties i.e. petitioner-husband and respondent No.2-wife are now living happily together. The dispute *inter se* the parties is amicably resolved, as per compromise (Annexure P-2).

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

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

[5] As per the report dated 18.01.2024, received from the learned Addl. Chief Judicial Magistrate, Fazilka the 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 this fact has also been confirmed by the Addl. Chief Judicial Magistrate that the cancellation report has been prepared and presented in the Court but it is stated to be still pending.

[6] Learned State counsel has also confirmed that the cancellation report has been prepared by the investigating agency and it was presented before the trial Court and has not raised any objection regarding the acceptance of the present petition.

[7] The matrimonial dispute between the parties stands settled. Keeping in view 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. 124 dated 27.06.2022, registered at Police Station Sadar Fazilka, District Fazilka under Sections 506 and 498-A of the IPC and all the subsequent

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proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 18.12.2023 are violated.

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

20.04.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No