

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

310

CRM-M-64449-2023 (O&M)
Date of decision: 09.04.2024

SURINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.61 dated 02.09.2022, under Sections 406, 498-A IPC registered at Police Station PS Women Patiala, District Patiala (Annexure P-1), on the basis of settlement/agreement dated 05.12.2023 (Annexure P-2) arrived between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 on account of a matrimonial dispute between the parties. He further contends that the matter has been settled between the petitioner-husband and respondent No.2-wife and settlement/agreement dated 05.12.2023 (Annexure P-2) has been executed between them. As per panchayati compromise, both the parties have decided to settle their matrimonial dispute. The petitioner-husband has agreed to pay a sum

of Rs.1,50,000/- to respondent No.-2-wife. Custody of child will remain with respondent No.2, as such, respondent No.2 does not want to take any action in the present FIR.

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

[4] As per the report dated 23.01.2024, received from the Judicial Magistrate 1st Class, Patiala through the District & Sessions Judge, Patiala compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The present petitioner has not been declared as 'Proclaimed Offender'.

[5] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that challan has been presented before the trial Court however, statement of prosecutin witnesses are yet to be recorded.

[6] 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.

[7] Consequently, this petition is allowed and FIR No.61 dated 02.09.2022, under Sections 406, 498-A IPC registered at Police Station PS

Women Patiala, District Patiala (Annexure P-1), and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[8] However, the 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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.04.2024

P.Bhatt

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