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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45762-2024
Date of decision: 27.01.2025

TARIQ AZIZ AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

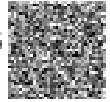
Present:- Mr. Kuljit Singh Bal, Advocate
for the petitioners.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Manjinder Kumar, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is second petition filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.21 dated 03.02.2023, under Sections 406, 498-A and 34 of the IPC, registered at Police Station Mahilpur, District Hoshiarpur, Punjab alongwith all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. Learned counsel for the petitioners submitted that it is a case where the dispute was only a matrimonial dispute between petitioner No.1 and respondent No.2 and thereafter, with the intervention of the respectables, the matter has been compromised and now petitioner No.1 and respondent No.2 are living peacefully together. He further submitted that all the three petitioners are



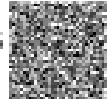
accused in the present FIR and nobody is left out and respondent No.2, who is the wife of petitioner No.1 is the only aggrieved person. He further submitted that in pursuance of the order passed by this Court on 17.09.2024, the parties were directed to appear before the learned trial Court/Illaq Magistrate for recording their statements with regard to the authenticity of compromise, to which they have already got their statements recorded before the learned trial Court/Illaq Magistrate. He further submitted that since the subject matter of the present dispute does not fall in the category of any serious or heinous offence, no useful purpose will be served in case further prosecution is carried on and therefore, the FIR may be quashed on the basis of compromise.

3. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that since it is a matrimonial dispute and the matter has been resolved between the parties, he has no objection in case the present FIR is quashed based upon compromise.

4. Learned counsel for respondent No.2-wife submitted that he has instructions to state that the matter has been amicably settled between the parties and petitioner No.1 and respondent No.2 are living peacefully together and he also has no objection in case the present FIR is quashed based upon compromise.

5. I have heard the learned counsels for the parties.

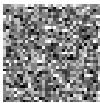
6. The prayer in the present petition is for quashing of FIR based upon compromise and it is a matrimonial dispute between petitioner No.1 and respondent No.2 and the present FIR was got registered under Sections 406, 498-A and 34 of the IPC. The matter is stated to have been compromised



between the parties and as per the learned State counsel, although challan has been presented but charges have not been framed by the learned trial Court and therefore, the trial is at initial stage.

7. Vide order dated 17.09.2024, the parties were directed to appear before the learned trial Court/Illaq Magistrate for the purpose of recording their statements pertaining to genuineness and voluntariness of compromise. In pursuance thereof, a report has been received from the learned Judicial Magistrate 1st Class, Garhshankar dated 01.10.2024, wherein it has been stated that only three persons i.e. the present petitioners have been arraigned as accused in the present FIR and they have never been declared as proclaimed offenders. It has also been stated in the aforesaid report that the matter has been compromised between the parties voluntarily and out of their free will and consent and without any coercion or undue influence and the compromise appears to be genuine. It has been further stated that as per the record and as per the statement of the Investigating Officer, petitioners are not involved in any other FIR and there is only one victim/complainant, namely, Jasmeen i.e. respondent No.2.

8. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. Hon'ble Supreme Court in *State of Madhya Pradesh versus Laxmi Narayan and others, 2019(2) SCC (Crl.) 706* and also in *Gian Singh versus State of Punjab and another, 2013 (1) SCC (Crl.) 160* and Full Bench judgment of this Court in *Kulwinder Singh and others versus State of Punjab, 2007 (3) R.C.R.(Criminal) 1052* held that where the offence does not fall in the category of any serious or heinous offence and the Court is satisfied



that considering the facts and circumstances of the case, it will not be in the interest of justice to continue with the prosecution, then FIR can be quashed on the basis of compromise.

9. The facts and circumstances of the present case suggest that the dispute in the present case was only a matrimonial dispute between petitioner No.1 and respondent No.2. As per the report of the learned Judicial Magistrate 1st Class, Garhshankar, the matter has been compromised between the parties and as per the learned counsels for the parties, both petitioner No.1-husband and respondent No.2-wife are now living peacefully together. Therefore, this Court is of the considered view that the subject matter of the present dispute does not fall in the category of any serious or heinous offence and in order to secure the ends of justice, it will be just and proper to quash the present FIR based upon compromise being fully covered by the aforesaid judgments of Hon’ble Supreme Court and also the judgment of Full Bench of this Court.

10. Consequently, the present petition is allowed.

11. The impugned FIR No.21 dated 03.02.2023, under Sections 406, 498-A and 34 of the IPC, registered at Police Station Mahilpur, District Hoshiarpur, Punjab, alongwith all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise (Annexure P-2), qua the petitioners.

(JASGURPREET SINGH PURI)
JUDGE

27.01.2025
Chetan Thakur

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