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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52114-2024
Date of decision: 08.01.2025

GURNAM SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rahi Mehra, Advocate for
Mr. Vishva Bahl, Advocate for the petitioners.

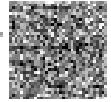
Mr. P. S. Bhandari, AAG, Punjab.

Mr. Govind Rana, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.3 dated 31.01.2020, under Sections 498-A and 406 of the IPC, registered at Police Station Women-I, Amritsar alongwith all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. Learned counsel appearing on behalf of the petitioners submitted that it is a case where petitioner No.1 is the husband and respondent No.2 is the wife and after the marriage, their relations turned sour and the present FIR was registered by respondent No.2 against petitioner No.1 and thereafter, the other petitioners were arraigned as accused. He further submitted that thereafter with



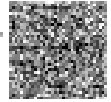
the intervention of the respectables, the matter was compromised between the parties and a compromise deed (Annexure P-2) was also executed. He also submitted that thereafter, in pursuance of the order passed by this Court on 05.11.2024, the parties were directed to appear before the learned trial Court/Illaq 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 and therefore, the further proceedings which are in the nature of matrimonial dispute may be quashed based upon compromise.

3. On the other hand, learned State counsel submitted that at the time when the statements were recorded, Assistant Sub Inspector had also got his statement recorded in this regard and since it is a matrimonial dispute, the State does not have any objection in case the present FIR is quashed based upon compromise.

4. Learned counsel for respondent No.2/complainant submitted that the statement of respondent No.2/complainant was also got recorded before the learned Judicial Magistrate 1st Class, Amritsar and the compromise was effected without any undue influence or coercion and an amicable settlement has been reached between the parties. He further submitted that the complainant, who is respondent No.2-wife has no objection in case the present FIR is quashed based upon compromise.

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

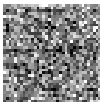
6. The prayer in the present petition is for quashing of FIR based upon compromise and it is a matrimonial dispute between petitioner No.1 and



respondent No.2 and the present FIR was got registered under Sections 498-A and 406 of the IPC. On 05.11.2024, this Court had directed the parties to appear before the learned trial Court/Illaq Magistrate for getting their statements recorded with regard to as to whether the compromise was effected without any undue influence or coercion or not and on various other issues. The learned Judicial Magistrate 1st Class, Amritsar has sent a report before this Court dated 11.12.2024, wherein it has been so stated that the statements of all the parties including respondent No.2/complainant have also been recorded and respondent No.2/complainant has stated that she has entered into compromise voluntarily and without any threat, coercion or undue influence and she has got no objection in case the aforesaid FIR is quashed based upon compromise.

7. 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.

8. The facts and circumstances of the present case suggest that the dispute in the present case was only a matrimonial dispute which has been amicably settled between petitioner No.1 and respondent No.2 and the statement of respondent No.2/complainant and the accused have already been



recorded in pursuance of the order passed by this Court on 05.11.2024 by the learned Judicial Magistrate 1st Class, Amritsar.

9. Therefore, considering the ratio of the aforesaid judgments, this Court is of the considered view that no useful purpose will be served in case the criminal prosecution is further carried on and rather it will be in the interest of justice to quash the present FIR based upon compromise (Annexure P-2) since it was essentially a matrimonial dispute.

10. Consequently, the present petition is allowed.

11. The impugned FIR No.3 dated 31.01.2020, under Sections 498-A and 406 of the IPC, registered at Police Station Women-I, Amritsar alongwith all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise (Annexure P-2), qua the petitioners.

08.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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