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2025:PHHC:085228



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-63697-2024
DECIDED ON: 14.07.2025**

LAKHWINDER SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.K. Khepar, Advocate
for the petitioner.

Mr. G.S. Bhullar, AAG, Punjab.

Mr. M.S. Yadav, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J (ORAL)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.52 dated 28.04.2024, under Section 498-A IPC, registered at Police Station NRI-Ludhiana, District Ludhiana (Annexure P-2), alongwith all other consequential proceedings arising therefrom, on the basis of compromise dated 02.12.2024 (Annexure P-3).

2. Learned counsel appearing on behalf of the petitioner submitted that the present FIR has been registered on the basis of a matrimonial dispute between the parties and further submitted that it is a case where petitioner is the husband and respondent No.2 is the wife. It has been submitted on behalf of the petitioner that with the intervention of the

respectables, the matter has been compromised amicably between the parties and a separate petition for grant of divorce on the basis of mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has also been filed and now a decree for dissolution of marriage has been passed on 16.05.2025 by learned Family Court, Ludhiana and the entire dispute has been settled between the parties. He further submitted that in pursuance of the order passed by this Court in the present case on 18.12.2024, the parties were directed to appear before trial Court/Illaqa Magistrate for the purpose of recording their statements regarding the genuineness and voluntariness of compromise and the parties have appeared in this regard. So far as the complainant-wife is concerned, she appeared in person and the petitioner-husband is concerned, he appeared through his Special Power of Attorney and statements have been recorded with regard to genuineness of compromise and submitted that since the matter does not fall in the category of any serious or heinous offence and is essentially being a matrimonial offence and the matter being settled amicably, no useful purpose will be served in case further prosecution is carried on. Therefore, a prayer was made for quashing the instant FIR on the basis of the compromise.

3. On the other hand, learned State counsel submitted that since the subject matter of the present FIR is only a matrimonial dispute between the parties which has been settled amicably between them and as per the learned counsel for the petitioner, a decree of divorce has also been granted by Family Court, Ludhiana on 16.05.2025, therefore, any appropriate orders may be passed in accordance with law.

4. Learned counsel appearing on behalf of respondent No.2 has submitted that he has specific instructions to state that the compromise arrived at between the petitioner and respondent No.2 is genuine, voluntary and is without any coercion and even otherwise the entire dispute is a matrimonial dispute which has been settled between the parties and a decree of divorce has also been granted by Family Court, Ludhiana on 16.05.2025 and he has no objection in case the aforesaid FIR is quashed on the basis of compromise.

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

6. This Court while issuing notice of motion on 18.12.2024 had directed the parties to appear before learned trial Court/Illaq Magistrate for the purpose of recording of their statements regarding the genuineness and voluntariness of the compromise. A report has been received from Judicial Magistrate Ist Class, Ludhiana dated 15.01.2025, whereby it has been reported that respondent No.2-complainant has made the statement with regard to genuineness of the compromise and similarly, the petitioner also appeared through Special Power of Attorney and statements were recorded in this regard. It has been further reported that the statement of the Investigating Officer SI Kulwinder Kumar was also recorded to the effect that the petitioner who is an accused in the instant FIR has not been declared as proclaimed offender.

7. Learned Judicial Magistrate Ist Class, Ludhiana has reported that in view of the statements of the parties, the Magistrate is of the considered opinion that the compromise effected between the parties is genuine and it is effected voluntarily, without any pressure, coercion or

undue influence from any quarter and out of free will of parties. It has been further opined that as per the statement of Investigating Officer, no PO proceedings were pending against the petitioner.

8. 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. After hearing the learned counsels for the parties and perusing the aforesaid report dated 15.01.2025 sent by learned Judicial Magistrate Ist Class, Ludhiana, this Court is of the considered view that the dispute essentially being a matrimonial dispute between the parties, does not fall in the category of any serious or heinous offence and the matrimonial dispute stands resolved between petitioner and respondent No.2 by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

10. 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-3) since it was essentially a matrimonial dispute.

11. Consequently, the present petition is allowed.

12. The impugned FIR No.52 dated 28.04.2024, under Section 498-A IPC, registered at Police Station NRI-Ludhiana, District Ludhiana (Annexure P-2), alongwith all other consequential proceedings arising therefrom, is hereby quashed, on the basis of compromise dated 02.12.2024 (Annexure P-3), qua the petitioner.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No