

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.M-6574 of 2020 (O&M)

Date of Decision: September 23, 2020.

Harbhinderjit Singh @ Harbhinderjeet Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE VIVEK PURI.

Present: Mr.Keshav Pratap Singh, Advocate, for the petitioner.

Mr.M.S.Dullat, Additional AG, Punjab.

Mr.H.S.Randhawa, Advocate, for respondent No.2.

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(This case has been taken up through video conferencing on account of Covid -19 Pandemic).

Vivek Puri, J. (Oral)

FIR No.66 dated 28.06.2019, has been registered under Sections 406, 498-A IPC at Police Station Phase-VIII, SAS Nagar (Mohali), on the basis of the application submitted by the respondent No.2 on account of the marital dispute between the petitioner and respondent No.2. The quashing of the FIR has been sought on the basis of a settlement arrived at between the parties.

Vide order dated 14.02.2020, the parties were directed to appear before the learned trial Court/Illaq Magistrate and get their statements recorded. The statements of the parties have been recorded by the learned Judicial Magistrate, 1st Class, Mohali and has sent the following report:-

“It is submitted that on 04.03.2020, complainant Manpreet Kaur wife of Harbhinderjeet Singh, d/o Rashpal Singh, r/o H.No.HL419, Phase-9, Mohali, appeared in the Court and got recorded her statement that she had entered into

compromise with the accused and that the compromise has been effected voluntarily without any undue influence, pressure or coercion and that he (sic she) has no objection if the present FIR is quashed against the accused.

Thereafter, accused Harbhinderjeet Singh son of Kartar Singh, r/o H.No.1437/22, Phase-II, Mohali also suffered statement that the matter has been compromised without any undue influence, pressure or coercion and prayed for quashing of the FIR.

It is reported that statements of the parties have been recorded and the compromise is correct and has been effected voluntarily, without any pressure, coercion or undue influence and that PO proceedings are pending against neither of the parties. In these circumstances, it seems that genuine compromise has been effected between the parties.”

The FIR is an outcome of marital dispute. It has been stated that the marriage has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, vide judgment dated 14.09.2020 passed by the learned Additional District Judge, SAS Nagar (Mohali). Furthermore, the entire payment, as settled, has been paid to respondent No.2.

Learned counsel for respondent No.2 has not disputed this factual aspect of the case.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from

Kulwinder Singh and others versus State of Punjab and another, 2007

Singh versus State of Punjab and others, (2012) 10 SCC 303.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.66 dated 28.06.2019, registered under Sections 406, 498-A IPC at Police Station Phase-VIII, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

September 23, 2020 <i>mohinder</i>		(VIVEK PURI) JUDGE
Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No