

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42103-2021

Date of Decision: 17.12.2021.

BALWINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Liaqat Ali, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Ms. Sajida Akhtar, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.145 dated 03.12.2016 under Section 498-A IPC registered at Women Police Station, District Ludhiana City and all the subsequent proceedings arising therefrom on the basis of compromise.

On 12.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 12.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana, has sent the report to the following effect:-

“In compliance of the abovesaid order, the statement of respondent no.2/complainant namely Gurpreet Kaur was recorded who stated that on her statement one FIR bearing no.145 dated 03.12.2016 under Section 498-A IPC was registered against Women Cell, Ludhiana. She stated that now she has compromised the matter with the above said accused voluntarily without any coercion or undue influence

from anyone with her own free will and has no objection if the quashing petition bearing no.CRM-M-42103-2021 filed by accused be allowed and he be acquitted from the above said FIR. She does not want to proceed further with this case, as the matter has been compromised. She produced photocopy of Adhaar Card as Ex.P2.

Thereafter, the statement of petitioner/accused namely Balwinder Singh was recorded wherein he stated that Stated that on the statement of complainant Gurpreet Kaur FIR bearing no.145 dated 03.12.2016 under Section 498-A IPC was registered against him at police station, Women Cell, Ludhiana. Now, he has compromised the matter with complainant Gurpreet Kaur and she has no objection if the quashing petition bearing no.CRM-M-42103-2021 filed by him is allowed and he be acquitted from the above said FIR and the complainant does not want to proceed further with this case, as the matter has been compromised. He has produced the copy of his Adhaar Card as Ex.P1.

Thereafter, the report of concerned Ahlmad was called who stated that no PO proceedings is pending in the present case.

After going through the statements of parties, it is humbly submitted that the compromise between the parties is genuine, voluntary and without any coercion or undue influence and no PO proceedings are pending against any of the party.

The copies of the statements so recorded along with photocopies of identity proofs of the parties are annexed herewith for kind perusal please.”

It has been stated by learned counsel for the petitioner that the challan has been presented only against petitioner, the marriage of the parties has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act and the matrimonial dispute has been amicably

settled between the parties.

Learned counsel for respondent No.2 submits that she has no objection if the present FIR is quashed.

After hearing 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. 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 Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. 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.145 dated 03.12.2016 under Section 498-A IPC registered at Women Police Station, District Ludhiana City and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

17.12.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No