

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-959-2022
Date of Decision: 11.07.2022

DALVIR SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

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

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0118 dated 30.06.2017 under Sections 323/498-A/406 IPC registered at Police Station Kartarpur, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 01.02.2022, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and sent its report regarding genuineness of the compromise.

In compliance of the order dated 01.02.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

The compliance report as decided by Hon'ble High Court is as following:

1. This case FIR no. 118 dated 30.06.2017 U/S 323, 406, 498-A IPC of PS, Kartarpur was lodged on the complaint of Usha Rani W/o Dalvir Singh. After investigation in this case challan was presented in Court on 16.08.2017 against accused Dalvir Singh son of Mohan Singh. On 17.02.2022 complainant Usha Rani alongwith his counsel advocate Sh. Baldev Parkash and similarly accused Dalvir Singh alongwith his counsel advocate Sh. Deepak Moudgil appeared in Court and suffered a statement regarding their compromise. Copy of the statement of complainant and accused are attached herewith.

Both the complainant and accused have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion.

2. In this case no accused has been declared proclaimed offender by the Court.

3. In this case charges were framed against the accused Dalvir Singh vide order dated 02.12.2017, U/s 323, 406 and 498-A IPC. Now the trial was pending at the stage of recording of prosecution evidence.

4. This Court is of the opinion that the compromise effected between the complainant and accused is genuine, voluntarily and out of their free will. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 31.01.2022 passed by the Court of learned Principal Judge, Family Court, Jalandhar. A sum of Rs. 11,50,000/- has

been paid on account of permanent alimony. The custody of the minor son shall remain with respondent No.2. The other cases pending between the parties have been withdrawn.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

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***.

Accordingly, the present petition is allowed and FIR No. 0118 dated 30.06.2017 under Sections 323/498-A/406 IPC registered at Police

Station Kartarpur, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

11.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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