

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-1960-2021 (O&M)
Date of Decision: 22.03.2022

GURJINDER SINGH AND ORS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.A.S.Sidhu, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. V.P.Sangwan, Advocate for
Mr. Jasjit Singh, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioners are seeking quashing of FIR bearing No. 279 dated 09.11.2020, under Sections 498-A, 406, 342, 323, 506 IPC, registered at Police Station Kotwali Patiala, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise having been effected between the parties.

On 14.01.2021 notice of motion was issued and 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 14.01.2021, learned Chief Judicial Magistrate, Patiala, has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“With reference to order dated 14.01.2021 passed by Hon'ble Punjab & Haryana High Court in the above noted case, it is respectfully submitted that as per the directions of Hon'ble High Court, statements of parties have been recorded on 15.02.2021.

Lakhvir Kaur daughter of Gurmukh Singh, resident of Ward No.3, Mohall Navian Saravan, Tehsil Bassi Pathana, District Fatehgarh Sahib has suffered a statement to the effect that she has entered into a compromise with accused with the intervention of respectable persons and common friends in respect of FIR No.279 dated 09.11.2020, Police Station Kotwali Patiala, U/S 498-A, 406, 342, 323, 506 of IPC voluntarily, without any coercion, threat or undue influence. The compromise has been effected with an aim to put an end to the ensuring rivalry. She along with accused No.1 Gurjinder Singh have already filed a petition under Section 13-B of Hindu Marriage Act in which first motion statements have already been recorded and for second motion statement, case is pending for 30.07.2021. She has placed copy of her Aadhar card on record as proof of identity.

Similarly, accused no.1 Gurjinder Singh son of Labh Singh, resident of House No.8 F, Jagdish Colony Patiala, Tehsil and District Patiala has suffered a statement to the effect that he has entered into a compromise with complainant with the intervention of respectable persons and common friends in respect of FIR No.279 dated 09.11.2020, Police Station Kotwali Patiala, U/S 498-A, 406, 342, 323, 506 of IPC voluntarily, without any coercion,

threat or undue influence. The compromise has been effected with an aim to put an end to the ensuring rivalry. He along with complainant Lakhvir Kaur have already filed a petition under Section 13-B of Hindu Marriage Act in which first motion statements have already been recorded and for second motion statement, case is pending for 30.07.2021. Neither any other criminal proceedings are pending between the parties except the present FIR nor any other criminal case is pending against them. He has placed copy of his Aadhar card on record.

Accused no.2 Labh Singh son of Surjit Singh and accused No.3 Jaspal Kaur wife of Labh Singh, both residents of House No.8 F, Jagdish Colony Patiala, Tehsil and District Patiala by virtue of their joint statement have also reiterated the version put forth by accused no.1. They have placed copies of their Aadhar cards on record.

Statement of ASI Mangat Singh has also been recorded, who has stated that he is the investigating officer of the case FIR No.279 dated 09.11.2020, Police Station Kotwali Patiala. Three accused have been nominated in the said case and all of them have joined the investigation. None of accused is proclaimed offender in the present case.

From the statements of parties, it is manifest that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter. The compromise has been arrived at with an aim to put an end to the ensuing rivalry between the parties. As per police and judicial record, only three persons have been nominated as accused in the present case, who have joined the investigation. Neither any accused has been declared a proclaimed offender nor any PO proceedings are pending against any of the party.”

Learned counsel for the petitioners contends that matrimonial dispute has been amicably settled between the parties. The parties have preferred a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by a decree of divorce by mutual consent wherein the statements at the stage of first motion have already been recorded and even the permanent alimony has been paid to respondent No.2.

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 bearing No. 279 dated 09.11.2020, under Sections 498-A, 406, 342, 323, 506 IPC, registered at Police Station Kotwali Patiala, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioners.

22.03.2022

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(VIVEK PURI)
JUDGE

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