

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1578-2020
Date of Decision: 22.11.2022

BALJINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarbjit Singh, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. G.S.Thind, 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. 110 dated 10.07.2019, under sections 406, 498-A IPC registered at Police Station Kamboj, District Amritsar Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.01.2020 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 15.01.2020, learned Chief Judicial Magistrate, Amritsar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. Number of persons arrayed as accused in FIR.

Only one person namely Baljinder Singh is arrayed as accused in FIR.

2. Whether any accused is proclaimed

offender.

Accused has not been declared as proclaimed offender.

3. The stage of trial/proceeding.

The Investigation of case is still pending and challan has not been presented so far.

4. Whether the compromise is genuine, voluntarily and without any coercion or undue influence.

From the statements of the petitioner/accused and the complainant/respondent, this court is of the opinion that their compromise is genuine and voluntary and is without any coercion or undue influence.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 01.02.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the Settlement Agreement, Annexure P-2 in Mediation and Conciliation Center of this Court. The marriage of the petitioner with 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 24.09.2020 passed by the learned Family Court, Amritsar. A sum of Rs. 10,50,000/- has been paid to respondent No.2 on account of permanent alimony. She has also received all her articles of *istridhan*. No other case is pending between the parties.

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. 110 dated 10.07.2019, under sections 406, 498-A IPC registered at Police Station Kamboj, District Amritsar Rural and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

22.11.2022

Janki

(VIVEK PURI)
JUDGE

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