

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2013-2019

Date of Decision: 15.03.2022

GURWINDER SINGH AND ANR
VS.

... PETITIONERS

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arun Abrol, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. B.D.Sharma, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.65 dated 26.08.2018 under Sections 406 and 498-A IPC registered at Police Station Women Amritsar, District police Commissionerate, Amritsar on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the marriage of respondent No.2 was solemnized with petitioner No.1 on 14.02.2015. There are allegations against the petitioner with regard to misappropriation of the articles of *instridhan* and cruelty.

On 15.01.2020, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 15.01.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class,

Amritsar has sent the report and the relevant portion of the same is reproduced

here-in-below:-

“ I have the honour to submit that I have gone through the statements given by the parties and asked various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure, coercion, threat or undue influence. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony as they are husband and wife. As directed by your goodself the report is as under:-

- 1. There are two accused arrayed in the FIR as per the statement of Investigating Officer, both of them have appeared before the court and made their statements before the court.*
- 2. As per statement of IO, no accused has been declared as proclaimed offender.*
- 3. As per statement of IO, there is only one complainant and aggrieved namely Gurpreet Kaur and she had gave her statement in regard to her compromise.*
- 4. Challan has not been presented in the present FIR.*
- 5. Compromise is genuine, voluntary and out of the free will of the parties.*

Report is submitted for your kind perusal.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties and the marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The minor daughter shall remain in custody of respondent No.2 and the entire amount of permanent alimony has been paid to the respondent No.2.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the 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.

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***.

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.65 dated 26.08.2018 under Sections 406 and 498-A IPC registered at Police Station Women Amritsar, District police Commissionerate, Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

15.03.2022
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(VIVEK PURI)
JUDGE

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