

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3159-2022

Date of Decision: 29.11.2022

JASWINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. A.P.Kaushal, Advocate for
Mr. L.S.Mann, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.134 dated 10.09.2021 under Sections 406 and 498-A IPC registered at Police Station Sidhwan Bet, District Ludhiana (Rural) and all the consequential proceedings arising therefrom on the basis of compromise.

On 01.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 01.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class, Jagraon has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Both the parties stated that they have compromised the matter with the intervention of the respectable persons of the society at their own free will and consent, voluntarily without any pressure and now they have no grudge against each other.

I am satisfied with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure. The parties have placed on record their identity proofs which are correct as per original and copies of the same are attached herewith for your kind perusal and both the parties have been duly identified by their respective counsel.

It was assured beforehand that the parties are giving their statements voluntarily without any pressure and I am satisfied that, the compromise is genuine and voluntary and without any coercion or undue influence.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 12.02.2014 and a son has been born from the wedlock. Although, the names of other family members of the petitioner were reflected in the complaint, but FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at 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 31.05.2022 passed by the Court of learned Additional Principal Judge, Family Court, Ludhiana. A sum of Rs.14,50,000/- has been paid on account of permanent alimony to respondent No.2. The custody of the minor child shall remain with the petitioner. At the instance of the petitioner, an FIR bearing No. 02 dated 07.01.2021, under Sections 452/324/323/148 and 149 IPC was registered against respondent No.2, her brother Balwinder Singh and others and the said FIR has been quashed by this Court on the basis of

compromise having been effected between the parties and no other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.134 dated 10.09.2021 under Sections 406 and 498-A IPC registered at Police Station Sidhwan Bet, District Ludhiana (Rural) and all the consequential 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.

29.11.2022
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(VIVEK PURI)
JUDGE

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