

**290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4763-2022

Date of decision: 12.10.2022

BHARPINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. Gurmanpreet Singh, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.112 dated 15.06.2020 under Sections 498-A/323 IPC, 1860 registered at Police Station Kotbhai, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

On 07.02.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 07.02.2022, learned Judicial Magistrate 1st Class, Gidderbaha has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“1. Only one person arrayed as accused in FIR.
2. No accused has been declared proclaimed offender.
3. The compromise is genuine, voluntarily and without any coercion or undue influence between complainant Gurpreet Kaur and accused Bharpinder Singh.
4. No other FIR is pending against the accused.
5. As per statement of Investigating Officer, there is only one victim/complainant in the present FIR, who is respondent in quashing petition filed by the accused before the Hon’ble High Court. Except her there is no other victim/complainant in the present FIR.”*

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 01.06.2013 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 07.01.2022 (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 Hindu Marriage Act in terms of judgment and decree dated 25.03.2022 passed by the learned Family Court, Sri Muktsar Sahib (Camp at Gidderbaha). A sum of Rs.3,50,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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.

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.112 dated 15.06.2020 under Sections 498-A/323 IPC, 1860 registered at Police Station Kotbhai, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

12.10.2022
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(VIVEK PURI)
JUDGE

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