

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5466-2022

Date of Decision: 23.09.2022

LAKHAN SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. U.K.Kanwar, Advocate for
Mr. Satish Jaswal, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Ram Krishan, Advocate for
Mr. Mohit Thakur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.020 dated 29.01.2022 under Sections 406 and 498-A IPC registered at Women Police Station, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.04.2022, the parties were directed to get their statements recorded before the learned trial court/Illaq Magistrate.

In compliance of the order dated 26.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana, has sent the report and the relevant portion whereof reads as under:-

“It is respectfully submitted that as per statement of HC Karan Sharma, there is only one accused arrayed in the FIR and he has not been declared as Proclaimed Offender nor any other case is pending against him. That there is only one victim/complainant namely Chandani daughter of Parmod Singh in the present FIR.

So, from the statements of the parties, it appears to the court that the parties have compromised the matter out

of their free Will, voluntarily, without any sort of pressure, coercion and fear.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 02.12.2019 but no child has been born from the wedlock. Although, the allegations were levelled against the other relatives of the petitioner, but FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of 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 02.08.2022 passed by the learned Family Court, Ludhiana. A sum of Rs.8 lac has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel 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.020 dated 29.01.2022 under Sections 406 and 498-A IPC registered at Women Police Station, Ludhiana and all the subsequent 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.

23.09.2022
smriti

(VIVEK PURI)
JUDGE

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