

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6019-2020 (O&M)

Date of Decision: 08.09.2022

BALJEET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raman Kumar, Advocate for
Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Rahul Garg, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 93 dated 20.08.2018 under Section 498-A IPC registered at Police Station Nurpurbedi, District Rupnagar and all the consequential proceedings arising therefrom on the basis of compromise.

On 05.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 05.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sri Anandpur Sahib, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. There is only one person arrayed as accused in the FIR namely Baljeet Singh (i.e. petitioner before Hon'ble Punjab and Haryana High Court);

2. Said accused is not declared as proclaimed offender;

3. Charges against accused have already been framed and case is pending for evidence of the

prosecution.

4. The compromise appears to be genuine, voluntary and without any coercion or undue influence;”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 08.11.2015 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Respondent No.2 alongwith minor child is happily residing in the matrimonial house of the petitioner.

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. 93 dated 20.08.2018 under Section 498-A IPC registered at Police Station Nurpurbedi, District Rupnagar 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.

08.09.2022
smriti

(VIVEK PURI)
JUDGE

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