

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8059-2021
Date of Decision: 12.05.2022

TARANJEET SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ranjeet K. Jaswal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Kamal K. Chaudhary, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.001, dated 03.01.2020, under Sections 498-A, 406, 120-B of the Indian Penal Code, 1860, registered at Police Station Women, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 24.03.2022, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 24.03.2022, learned Judicial Magistrate First Class, Patiala has recorded the statements of the parties and

submitted his report, the relevant portion whereof reads as under:-

“From the statements of the parties recorded, it appears that the said compromise is correct and genuine and has been effected voluntarily without any force, coercion or undue influence and any fraud or misrepresentation and out of free will of the parties.

Further trial Court is to submit a report containing the following information:-

1. As per the statement of Investigating Officer only Taranjeet Singh, Gurmukh Singh, Mohinder Kaur, Kulwinder Kaur and Sukhbir Singh have been arrayed as accused in this FIR.
- 2 Only Priyanka is complainant, affected/aggrieved in the present case.
3. As per the statement of Investigating Officer no accused other than Gurmukh Singh and Mohinder Kaur has been declared proclaimed offender/person in this FIR (when the charge sheet was submitted under Section 173 Cr.P.C.) ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of the agreement, Annexure P-3. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 04.03.2022 passed by the Court of learned Addl. Principal Judge, Family Court, Patiala. The custody of the minor child shall remain with respondent No.2 and a sum of Rs. 7 Lakhs has been paid to her on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-3). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 001, dated 03.01.2020, under Sections 498-A, 406, 120-B of the Indian Penal Code, 1860, registered at Police Station Women, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioners.

12.05.2022

Janki

**(VIVEK PURI)
JUDGE**

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