

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

**CRM-M-7734-2022
Date of Decision: 29.09.2022**

MALKIT SINGH **... PETITIONER**
V/S
STATE OF PUNJAB AND ANOTHER **... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Walia, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. M.M. Pandey, 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. 30 dated 12.04.2021, under Sections 498-A/406 IPC, registered at Police Station Shri Hargobindpur, District Batala, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 29.03.2022, 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 29.03.2022, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Pursuant to the order dated 29.03.2022
passed by the Hon'ble High Court in CRM-M-7734

of 2022, in case titled as Malkit Singh Vs. State of Punjab & Another, report is hereby submitted to the effect that the statements of complainant/respondent No. 2 Jagdeep Kaur wife of Malkit Singh and daughter of Rattan Singh, resident of Village Dala Kotla Havelian, Qadian, Tehsil Batala, District Gurdaspur, at present resident of Village Mathola, Tehsil Batala, District Gurdaspur and Petitioner /accused Malkit Singh son of Avtar Singh, resident of Village Dala Kotla Havelian, Tehsil Batala, District Gurdaspur, recorded on 26.04.2022. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Sakattar Singh No.2697/BTL, P.S. Sri Hargobindpur, recorded to the effect that he has brought the record of FIR No.30 dated 12.04.2021, under Sections 498-A, 406 of IPC, P.S. Sri Hargobindpur, Police District Batala, District Gurdaspur. This FIR was registered on the statement of complainant Jagdeep Kaur wife of Malkit Singh and daughter of Rattan Singh, resident of Village Dala Kotla Havelian, Qadian, Tehsil Batala, District Gurdaspur, at present resident of Village Mathola, Tehsil Batala, District Gurdaspur, against accused Malkit Singh son of Avtar Singh, resident of Village Dala Kotla Havelian, Tehsil Batala, District Gurdaspur. He further stated that neither complainant nor accused have been declared as proclaimed offenders nor any proclamation proceedings are pending against them. He further stated that accused person is not involved in any other FIR.”

Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 26.02.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section

wherein the statements at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 5 Lakhs on account of permanent alimony to respondent No.2. 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-2). 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. 30 dated 12.04.2021, under Sections 498-A/406 IPC, registered at Police

Station Shri Hargobindpur, District Batala, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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