

**253+1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8627-2022

Date of Decision: 06.07.2022

Baljit Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ullas Kapoor, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Jagvinder Singh Santwal, Advocate
for complainant-respondent No. 3.

VIVEK PURI J.

Through the instant petition, the petitioner is seeking quashing of FIR No. 262 dated 07.10.2018 under Section 406, 498-A of Indian Penal Code (hereinafter to be referred as 'IPC'), registered at Police Station City Kharar (Annexure P-1) alongwith all the subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

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 Sub Divisional Judicial Magistrate, Kharar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The undersigned has carefully gone through the statements got recorded by complainant and accused and it appears from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free

volition, without any pressure, threat, coercion or undue influence from any quarter. The copy of compromise is Ex. C1. Further from the statement of Investigating Officer it appears that only Baljit Singh has been arrayed as accused in the above said FIR and he is not proclaimed offender nor involved in any other case."

Learned counsel for the petitioner contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise Annexure P-2. Marriage of petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act in terms of judgment and decree dated 24th February 2022 passed by the Family Court, Rupnagar. A sum of Rs. 7,75,000/- has been paid on account of permanent alimony. Respondent No. 2 has withdrawn the petition under Section 125 Cr.P.C. An FIR No. 78 dated 21.04.2018 under Sections 419 and 120-B IPC registered at Police Station City Rupnagar has also been registered against the petitioner at the instance of respondent No. 3. A separate petition for quashing the said FIR bearing CRM-M-8032-2022 has been instituted, wherein also an amicable settlement has been effected and the statement of the parties have been recorded. Two children born from the wedlock shall remain in the custody of respondent No. 3. No other case is pending between the parties. Learned counsel for respondent No.3 has not disputed the aforesaid factual aspects and has 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***.

Accordingly the present petition is allowed and FIR No. 262 dated 07.10.2018 (Annexure P-1) under Sections 406, 498-A IPC registered at Police Station City Kharar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner(s) only.

06.07.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No