

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8630-2022

Date of Decision: 25.05.2022

BHUPINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Manjinder Singh Saini, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Vishal Sharma, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 0219 dated 17.11.2020 under Section 498-A IPC registered at Police Station Garhshankar, Hoshiarpur and all the consequential proceedings arising therefrom on the basis of compromise.

On 28.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 28.02.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Garhshankar, after recording the statements of the parties and Investigating Officer, has submitted the report to the effect that there is only one accused and one complainant/victim in the FIR and no person has been declared as proclaimed offender in the instant case. The compromise has been effected between the parties voluntarily and with free consent. It has been further reported that the complainant has no objection if the present FIR

has been quashed against the accused.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicable settled between the parties in terms of compromise contained at Annexure P-2. He further states that petitioner and respondent No.2 are now happily residing together in the matrimonial house.

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. 0219 dated 17.11.2020 under Section 498-A IPC

registered at Police Station Garhshankar, Hoshiarpur 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.

25.05.2022
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(VIVEK PURI)
JUDGE

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