

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

CRM-M-8032-2022

Date of Decision: 06.07.2022

Gurmeet Saini and Others

...Petitioners

Versus

State of Punjab and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Jagwinder Singh Santwal, Advocate  
for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Ullas Kapoor, Advocate  
for complainant-respondent No. 3.

\*\*\*\*\*

**VIVEK PURI J.**

Through the instant petition, the petitioners are seeking quashing of FIR No. 78 dated 21.04.2018 under Section 419, 120-B of Indian Penal Code (hereinafter to be referred as 'IPC'), registered at Police Station City Rupnagar (Annexure P-1) alongwith all the subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

On 04.04.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate. In compliance of the order dated 04.04.2022, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Rupnagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“From the statements of parties got recorded by them in the Court, it appears that complainant and accused have effected voluntary compromise out of their own sweet will, without any pressure and coercion of any manner. It is further submitted that there are only 05*

*accused involved in the present FIR namely Manpreet Kaur, Surjit Singh, Paramjeet Kaur, Ranjit Singh and Gurmeet Saini. It is further submitted that none of the accused ever declared proclaimed person in the present FIR. It has further submitted that the present case is at the stage of consideration on the point of re-framing of charge against the accused persons."*

Learned counsel for the petitioners contend that the present FIR has been registered on account of matrimonial dispute between the petitioner No. 1 and respondent No. 3. The controversy is with regard to the birth certificate of the daughter. Matrimonial dispute has been amicably settled between the parties in terms of the compromise Annexure P-2. Marriage of petitioner No. 1 with respondent No. 3 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 24<sup>th</sup> February 2022 passed by the Family Court, Rupnagar. A sum of Rs. 7,75,000/- has been paid on account of permanent alimony. Petitioner No. 1 has withdrawn the petition under Section 125 Cr.P.C. Petitioner No. 1 has lodged an FIR No. 262 dated 7.10.2018 under Sections 406 and 498-A IPC registered at Police Station City Kharar District SAS Nagar (Mohali). On the basis of compromise, a separate petition for quashing the said FIR bearing CRM-M-8627-2022 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 petitioner No. 1. 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. 78 dated 21.04.2018 (Annexure P-1) under Sections 419 and 120-B IPC registered at Police Station City Rupnagar 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