

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9481-2021

Date of Decision: 11.05.2022

HARPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vijay Rana, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Sunil K. Rana, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 52 dated 02.10.2020 under Sections 406 and 498-A IPC registered at Police Station Women, Jalandhar District Jalandhar and all the consequential proceedings arising therefrom on the basis of compromise.

On 01.03.2021, the parties were directed to get their statements recorded before the learned trial Court.

In compliance of the order dated 01.03.2021, the statements of the parties have been recorded and the learned Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Jalandhar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Q. Whether all the affected parties have entered into a compromise?”

A. Yes all the affected parties have entered into the compromise with their free will and the copy of compromise deed is Ex.C1.

Q. Whether the compromise in question is

found to be a valid compromise and has been effected without there being any kind of influence or coercion?

A. Yes, all the parties were examined in person and they submitted the copy of compromise deed dated 20.02.2020 and in consonance with the same, the parties have entered into it with free will and without undue influence or coercion. Further, the complainant stated that she has no objection, if, FIR No. 52 dated 02.10.2020 U/s 406, 498-A IPC registered at P.S.Women Cell, Jalandhar, is quashed in CRM-M-9481-2020”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of the petitioner and respondent No.2 was solemnized about 3½ years prior to the registration of the FIR and a daughter was born from the wedlock. Petitioner and respondent No.2 alongwith minor child are now happily residing in the matrimonial house and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) 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***.

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. 52 dated 02.10.2020 under Sections 406 and 498-A IPC registered at Police Station Women, Jalandhar District Jalandhar 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.

11.05.2022
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(VIVEK PURI)
JUDGE

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