

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

253

**CRM-M-8999 of 2022
Date of decision : 31.08.2022**

Gurinderbir Singh and others

.....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Ritesh Pandey, Advocate, for the petitioners.

Mr. Hittan Nehra, Addl. A. G., Punjab.

Ms. Sandeep Kaur, Advocate, for respondent No. 2.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioners are seeking to quash the FIR No.36 dated 12.04.2018 under Section 498-A IPC registered at Police Station Dhariwal, District Gurdaspur, on the basis of compromise dated 02.02.2022 (Annexure P-2).

On 03.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 03.03.2022, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Gurdaspur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ In view of the above statements of the parties, it is submitted that there is only one complainant namely Manbir Kaur daughter of Surjeet Singh resident of village Theh Tikha, Post Office Kot Santokh Rai, Tehsil and District Gurdaspur. There are only three accused persons namely Gurinderbir Singh son of Suchjit Singh alias Sucha Singh, Suchjit Singh son of Mahinder Singh and Sarabjit Kaur wife of Suchjit Singh, all residents of village Kotla Sahya, Bhullar, District Gurdaspur. The

complainant as well as all accused persons/petitioners appeared and made their respective statements in support of the compromise.

No person has been get declared as proclaimed offender in the present case.

Challan in this case has been filed and case was fixed for prosecution evidence.

The compromise is genuine, voluntary, without any coercion or undue influence and out of free will.”

Learned counsel for the petitioners contends that the marriage of the petitioner No.1 was solemnized with the respondent No.2 on 23.05.2011. No child has been born from this wedlock. The matrimonial dispute has been resolved in terms of the compromise dated 02.02.2022. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act, 1955, for dissolution of marriage by mutual consent in the Family Court, Gurdaspur, wherein statement of the parties at the stage of first motion has been recorded. A sum of Rs.10 Lakhs shall be paid to respondent No.2 as permanent alimony. Out of which, Rs. 5 Lakhs has already been paid to respondent No.2 and balance amount of Rs. 5 Lakhs shall be paid at the time of recording statements at the stage of second motion in a petition filed under Section 13-B of Hindu Marriage Act, 1955. Both the parties have withdrawn all the cases filed against each other and no other case is pending between the parties.

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

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.36 dated 12.04.2018 under Section 498-A IPC registered at Police Station Dhariwal, District Gurdaspur, is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

31.08.2022
anil

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>