

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9562-2022

Date of Decision: 01.06.2022.

SANDEEP SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Manpreet Singh, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. G.S.Gurna Advocate, for
Mr. D.S.Kahlon, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 051 dated 17.06.2021 under Sections 498-A and 406 IPC registered at Police Station Dera Baba Nanak, Tehsil Dera Baba Nanak, District Batala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 07.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Batala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i).There are five persons arraigned as accused in the present FIR namely, Sandeep Singh s/o Balwinder Singh, Balwinder Singh s/o Karnail Singh, Ranjit Kaur w/o Balwinder Singh, Komaldeep Kaur d/o Balwinder Singh & Akashdeep Singh s/o Balwinder Singh, all residents of Village Dharamabad, Singhpura, Tehsil Dera Baba Nanak, District Gurdaspur.

(ii).None of the accused has been declared as proclaimed offender.

(iii).After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.

(iv).Accused persons are not involved in any other case.

(v).There is one person arraigned as victim/complainant in the present FIR namely, Sukhwinder Kaur d/o Manjit Singh r/o Village Paracha, Tehsil Dera Baba Nanak, District Gurdaspur.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 27.04.2022 passed by the Court of learned Additional Principal Judge, Family Court, Gurdaspur, Camp Court at Batala. A sum of Rs.8 lakhs has been paid to respondent No.2 on account of permanent alimony. The custody of minor daughter shall remain with respondent No.2 and no other case is pending between the parties.

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. 051 dated 17.06.2021 under Sections 498-A and 406 IPC registered at Police Station Dera Baba Nanak, Tehsil Dera Baba Nanak, District Batala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

01.06.2022
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(VIVEK PURI)
JUDGE

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