

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9626-2022

Date of Decision: 01.06.2022.

HARDEEP SINGH BHANDAL AND ANR ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.S.Kainth, Advocate for
Mr. Satish Kumar, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Rajinder Yadav, Advocate for
Mr. Puneet Thakur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.168 dated 17.11.2021 under Sections 406, 498-A and 120-B IPC registered at Police Station City Khanna, Punjab 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 Sub Divisional Judicial Magistrate, Khanna, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per the statement of Investigating Officer, there are two accused persons namely Hardeep Singh son of Ude Singh and Paramjit Kaur wife of Ude Singh are arrayed in the present FIR.

2. As per the statement of Investigating Officer, no accused person has been declared PO in the present case.

3. The compromise is genuine, voluntary without any coercion or undue influence.

4. As per the statement of Investigating Officer, no other case is pending against the above said accused persons.

5. As per the statement of Investigating Officer, there is only one victim/complainant in the present FIR i.e. Lakhvir Kaur whose statement has been recorded with regard to compromise.”

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. Petitioner no.1 and respondent No.2 are now happily residing together in the matrimonial house. Respondent No.2 has withdrawn the complaint under the Protection of Women from Domestic Violence Act, petitions under Section 125 Cr.P.C. and Section 9 of Hindu Marriage Act. Petitioner No.1 has instituted a petition under Section 13-B of Hindu Marriage Act and the same has also been withdrawn and no other case is pending between the parties.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, No.168 dated 17.11.2021 under Sections 406, 498-A and 120-B IPC registered at Police Station City Khanna, Punjab on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

01.06.2022
smriti

(VIVEK PURI)
JUDGE

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