

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

CRM-M-7903-2020(O&M)
Date of Decision: 05.08.2022

MANINDER SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aakash Gupta, Advocate
for the petitioners.

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

Mr. R. S. Dhaliwal, Advocate
for respondent No. 2/complainant.

VIVEK PURI J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 02, dated 11.01.2019 registered under Section 498-A of Indian Penal Code at Police Station Women Cell, Jalandhar, and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 24.02.2020, passed by a Co-ordinate Bench of this Court, the parties were directed to appear before the trial Court and get their statements recorded with regard to the compromise arrived at between them. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Jalandhar and relevant portion of the same is reproduced below:

“(i) It is humbly submitted that as per statement of investigating officer only two persons namely Maninder Singh and Sukhwinder

Singh have been arrayed as accused in the present FIR.

(ii) It is humbly submitted that as per the statement suffered by the Investigating Officer, no accused has been declared as proclaimed offender in the present FIR.

(iii) It is humbly submitted that the trial in the main case is pending for awaiting orders of Hon'ble High Court and charges have not yet been framed against the accused.

(iv) It is humbly submitted that I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter and have also complied with its terms and conditions. As such, in-view of the statements of the parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence.”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 14.11.2019 (Annexure P-2). Marriage of the 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, vide judgment and decree dated 14.11.2019, passed by the court of Ld. Family Court, Jalandhar. A sum of Rs. 4,00,000/- has been paid by the petitioners to respondent No. 2, on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No. 2/complainant 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. 02 dated 11.01.2019 under Section 498-A of the Indian Penal Code registered at Police Station Women Cell, Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

05.08.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

(VIVEK PURI)
JUDGE

Yes/No
Yes/No