

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11545-2021
Date of Decision: 11.11.2022

HARMANPREET SINGH @ HUNNY ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deshpreet Singh, Advocate for the petitioner.

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

Mr. Prince Pasricha, Advocate for
Mr. Raman Mohinder Sharma, Advocate
for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 62 dated 16.06.2017, registered under Sections 498-A, 506 of IPC, at Police Station City-2, Abohar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 12.03.2021, 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 order dated 12.03.2021, learned Judicial Magistrate 1st Class, Abohar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) The compromise so effected between the parties appears genuine, voluntary and without any coercion or undue influence.

ii) No other person has been nominated as accused in the present FIR.

(iii) No person has been declared proclaimed offender in the present FIR.

(iv) The challan has already been filed and the trial is at the stage of prosecution evidence.

iv) There is no other cross case to the present FIR.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 10.07.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-2. The marriage of petitioner 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 the judgment and decree dated 09.04.2021 passed by the Court of learned Addl. Civil Judge, Senior Division, Abohar. A sum of Rs. 35,00,000/- has been paid to respondent No.2 as permanent alimony. The custody of the minor child shall remain with respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2).

The compromise is without any pressure and is 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. 62 dated 16.06.2017, registered under Sections 498-A, 506 of IPC, at Police Station City-2, Abohar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

11.11.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No