

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12225-2022
Date of Decision: 31.08.2022

KULWANT SINGH BHATIA AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Suryaveer Singh, Advocate for
Mr. Sunil K. Nehra, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Arnav Udai Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.06 dated 04.03.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jagraon, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 24.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 24.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagraon has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per statements of the parties, there are total 4 persons, arrayed as accused in FIR. None of the accused is proclaimed offender in this case. The compromise appears to be genuine, voluntary and without any coercion or undue influence. As per statement of S/Ct.Daljit Singh, as per the record of concerned police station, no other proceeding is pending against any of the accused of the present case. As per statement of Investigating Officer Rt.SI Raghbir

Singh, there was only one victim/complainant Rupinderpal Kaur in the present FIR.”

Learned counsel for the petitioners contend that marriage of petitioner no.1 was solemnized with respondent no.2 on 26.10.2013 and three children were born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of 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. A sum of Rs.20 lac has been paid to respondent no.2 on account of permanent alimony. The custody of minor children shall remain with respondent no.2. Respondent no.2 has withdrawn the petition under Section 125 Cr.P.C. The petitioners shall also withdraw the petition bearing CRM-M-12772-2019 and CRR (F)-96-2020 which are pending in this Court 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.06 dated 04.03.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jagraon, Ludhiana 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.

31.08.2022
smriti

(VIVEK PURI)
JUDGE

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