

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-12639-2022 in/and
CRM-M-13666-2021
Date of Decision: 08.04.2022

SATNAM SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Salana, Advocate,
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Nagar Singh, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

CRM-12639-2022

Through present application, the applicant/petitioner(s) is seeking preponement of date of hearing in the main case.

Notice in the application.

Mr. Hittan Nehra, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Nagar Singh, Advocate, also accepts notice on behalf of respondent No.2.

By recording no objection from the learned State counsel as well as counsel for respondent No.2, the main case is taken up on Board today itself.

Application is disposed of.

CRM-M-13666-2021

Through instant petition, the petitioners are seeking to quash

the FIR No.15 dated 25.01.2014 under Sections 406 and 498-A IPC registered at Women Police Station, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.03.2021, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.

In compliance of the order dated 25.03.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Thus, from the above statements of the parties and record produced referred to above, it is reported that the compromise has been entered into between the parties is voluntarily, without any influence, coercion and pressure of any person from any corner and made by the parties with their own, free and sweet will. Accused/petitioner Satnam Singh and Jarnail Singh are on bail in this case. But accused Sukhbir Kaur @ Teena and Balwinder Kaur have been summoned under section 319 Cr.P.C. by this court vide order dated 07.03.2020 and they have not appeared in the case and got no bail so far from the court. As per their statements, no any other case is pending between parties in any court in India and none of the accused is proclaimed offender in this case.”

Learned counsel for the petitioners contend that petitioners No.1 and 2 were initially arraigned as accused and petitioners No. 3 and 4 have been summoned under Section 319 Cr.P.C. The matrimonial dispute has been amicably settled between the parties. The marriage between 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 18.02.2021 passed by the Court of learned Principal Judge, Family Court, Ludhiana. The amount of permanent alimony has been paid to respondent No.2. The child from the wedlock shall remain in the care and custody of 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 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***.

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. 15 dated 25.01.2014 under Sections 406 and 498-A IPC

registered at Women Police Station, District 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.

08.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No