

**284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-14166-2021
Date of Decision: 12.12.2022**

RANJIT SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Mahal, Advocate, for the petitioners.

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

Mr. Siddharth Gupta, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.143 dated 12.08.2015, under Sections 406/498-A/323 IPC, registered at Police Station Kartarpur, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 26.03.2021, 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 26.03.2021, learned Judicial Magistrate First Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Both the complainant and accused have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioners contend that the marriage of petitioner No.2 was solemnized with respondent No.2 on 19.03.2010 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-3). The marriage of petitioner No.2 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 10.08.2021 passed by the learned Family Court, Jalandhar. The petitioner No.2 has paid a sum of Rs. 8 Lakhs to respondent No.2 in full and final settlement of her claim for permanent alimony. The custody of the minor daughter 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-3).

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. 143 dated 12.08.2015, under Sections 406/498-A/323 IPC, registered at Police Station Kartarpur, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.12.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No