

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11388-2019
Date of Decision: 28.09.2022

SUNNY SINGH AND ANR. ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Sharma, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Ajay Bhardwaj, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0030 dated 19.03.2017 under Sections 498-A and 406 IPC registered at Police Station Women, District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

On 29.08.2019, the parties were directed to get their statements recorded before the learned trial Illaqa Magistrate.

In compliance of the order dated 29.08.2019, 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 reads as under:-

“In compliance of above said order, complainant Monika w/o Sunny Singh appeared in the court on 13.09.2019 and gave separate statement. In her statement she stated that the matter has been compromised with the accused and she has no objection if the present FIR is quashed. She has further stated that she was suffering the present statement with her own free will and consent without any pressure and coercion from any side. She has also placed on record copy of her Aadhar card as Ex.Y. She was identified by Ms Mini Gill, Advocate.

Accused Sunny Singh and Inderjeet Kaur also appeared on the same date and gave joint separate statement regarding compromise. In their statement they stated that the matter has been compromised with the complainant. They further stated that they were suffering the statement with their own free will and without any pressure and coercion. They were identified by Ms Anju Khullar, Adv and they have also placed on record copy of their Aadhar Cards as Ex.X and Ex.Z.

Further it is submitted that from statement of complainant Monika and accused Sunny Singh and Inderjeet Kaur, it appears that compromise is genuine, voluntary and without any coercion or undue influence. It is also humbly submitted that perusal of the FIR shows there are two accused namely Sunny Singh and Inderjeet Kaur. The challan was also presented against accused Sunny Singh and Inderjeet Kaur. Perusal of the file shows that accused has not been declared proclaimed offender.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.02.2015 and a male child has been 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 in terms of the judgment and decree dated 26.09.2019 passed by the learned Family Court, Ludhiana. Respondent No.2 has received a sum of Rs.1 lac on account of permanent alimony and articles of *istridhan*. The custody of minor child shall remain with 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 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.0030 dated 19.03.2017 under Sections 498-A and 406 IPC registered at Police Station Women, District Ludhiana and all the consequential 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.

28.09.2022
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(VIVEK PURI)
JUDGE

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