

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

CRM-M-14876-2021

Date of Decision: 06.07.2022

Gurpreet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Amit Goyal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Manish Deswal, Advocate
for complainant-respondent No. 2.

VIVEK PURI J.

Through the instant petition, the petitioners are seeking quashing of FIR No. 114 dated 08.10.2016 under Section 406, 498-A of Indian Penal Code (hereinafter to be referred as 'IPC'), registered at Police Station Women Ludhiana City District Ludhiana (Annexure P-1) alongwith all the subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

On 05.04.2021, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate. In compliance of the order dated 05.04.2021, the statements of the parties have been recorded and the learned Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. The compromise effected between the parties seems to be genuine and voluntary one.

2. No PO proceedings are pending against any

of the party in the above mentioned FIR in question."

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise and marriage of petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act. Respondent No. 2 has received all her articles of *istridhan* and permanent alimony. No other case is pending between the parties. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspects 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***.

Accordingly the present petition is allowed and FIR No. 114 dated 08.10.2016 (Annexure P-1) under Sections 406, 498-A IPC registered

at Police Station Women, Ludhiana District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

06.07.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No