

246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15298-2021
Date of Decision: 09.03.2022

KAWALJIT SINGH ALIAS KANWALJIT SINGH
... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupinder Kumar Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Digvijay Nagpal, Advocate for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 17 dated 15.02.2020 registered under Section 498-A of the Indian
Penal Code, 1860 at Police Station Hariana, District Hoshiarpur, Punjab and
all the consequential proceedings arising therefrom, on the basis of
compromise (Annexure P-2).

On 08.04.2021 notice of motion was issued and 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 08.04.2021, learned Judicial
Magistrate First Class, Hoshiarpur has recorded the statements of the parties

and submitted his report, the relevant para whereof reads as under:-

“Therefore, in the light of the statements suffered by the parties as well as Investigating Officer of this case, the requisite report is as under:

1. Only one person namely Kanwaljit Singh arrayed as accused in the FIR.
2. Accused was never declared as Proclaimed Offender.
3. After perusal of the statement of the parties, the compromise/settlement appears to be genuine, voluntarily and without any coercion or undue influence.
4. The present accused is not involved in any other case as stated by Investigating Officer of this case.
5. Challan in this case has already been presented by the police on 24.03.2021 and the same is pending for the appearance of accused namely Kanwaljit Singh.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties through mediation in this Court. The parties have preferred a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by a decree of divorce by mutual consent wherein the statements at the stage of first motion have already been recorded. 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-2). 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.

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. 17 dated 15.02.2020 registered under Section 498-A of the Indian Penal Code, 1860 at Police Station Hariana, District Hoshiarpur, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioner.

09.03.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No