

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

**CRM-M-15672-2022
Date of Decision: 08.08.2022**

**MANINDER SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tek Tejinder Pal Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Ms. Kanika Goyal, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 116 dated 27.08.2021 under Section 498-A IPC registered at Police Station Balongi, District SAS Nagar, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.04.2022, 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 18.04.2022, learned Judicial Magistrate Ist Class, Kharar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Investigating Officer ASI Bawinder Kumar No.732/SAS Nagar, presently posted as PS Balongi, stated that the FIR No. 116 dated 27.08.2021 under

Section 498-A of IPC, P.S. Balongi was lodged by complainant Jagpal Kaur daughter of Surinder Singh resident of village Daun, P.S. Balongi, Tehsil Kharar, District SAS Nagar. There are two accused in the case namely Maninder Singh and Gurpreet Kaur. None of the accused is proclaimed offender in this case. There is only one victim/complainant namely Jagpal Kaur. Accused namely Maninder Singh and Gurpreet Kaur are not involved in any other case.

I am satisfied that the complainant as well as the accused persons have suffered statements voluntarily without any pressure, threat or coercion.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of compromise, 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 Hindu Marriage Act in terms of judgment and decree dated 12.04.2022 passed by the Court of learned Addl. District Judge, Chandigarh. A sum of Rs. 5 Lakhs has been paid on account of permanent alimony to respondent No.2 and she has received all her articles of *istridhan*.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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.

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. 116 dated 27.08.2021 under Section 498-A IPC registered at Police Station Balongi, District SAS Nagar, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

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