

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14921-2022

Date of Decision: 30.11.2022

KIRPAL SINGH RANDHAWA AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Karan Pathak, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Vikramjeet Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.0003 dated 22.05.2018 under Sections 406 and 498-A IPC registered at Police Station NRI, District Police Commissionerate, Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 08.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 08.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Amritsar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ i. There are four accused persons arraigned as accused in the present FIR namely Kirpal Singh Randhawa S/o Ajit Singh, Davinder Kaur W/o Kirpal Singh, Jasmeen Kaur w/o John Randhawa and Shobham Randhawa S/o Kirpal Singh. John Randhawa S/o Kirpal Singh has not been arraigned as an accused in this FIR;

ii. The accused persons have not been declared as proclaimed offender in this case;

iii. This court is satisfied that the compromise in the present case is genuine, voluntary and without any coercion or undue influence;

iv. The accused persons are not involved in any other case; and

v. There is only one victim/complainant in the FIR namely Mandeep Kaur daughter of Dalbir Singh.”

Learned counsel for the petitioners contend that the marriage of petitioner No.5 was solemnized with respondent No.2 on 28.11.2014, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 06.01.2022 (Annexure P-2). The marriage of petitioner No.5 and respondent No.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 22.08.2022 passed by learned Family Court, Amritsar. A sum of Rs. 45 lac has been paid to respondent No.2 on account of permanent alimony. All the other cases between the parties have been withdrawn. It is further submitted that as per the report received from the trial Court, petitioner No.3 has not been arraigned as accused in the FIR. As such, he seeks to withdraw the petitioner qua petitioner No.3.

Ordered accordingly.

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.0003 dated 22.05.2018 under Sections 406 and 498-A IPC registered at Police Station NRI, District Police Commissionerate, Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners No. 1, 2, 4 and 5 only.

Resultantly, with the above-said observations made, the instant petition stands allowed qua petitioners No. 1, 2, 4 and 5.

30.11.2022
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(VIVEK PURI)
JUDGE

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