

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16492-2021

Date of Decision: 05.07.2022.

HARPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sher Singh, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.0011 dated 23.01.2019 under Sections 498-A and 506 IPC registered at Women Police Station, Patiala on the basis of compromise.

On 20.04.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 20.04.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patiala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. The FIR in question has been registered u/s 498-A/506 IPC against accused namely Harpreet Singh and Challan report u/s 173 Cr.P.C has been presented in the court U/S 498-A/506 IPC against accused Harpreet Singh on 09.9.2019.

2. From the statement recorded by the

parties, this court is satisfied that compromise between them is genuine and respondent/complainant Gagandeep Kaur and petitioner/accused Harpreet Singh have entered into compromise voluntarily and with their free will and without any coercion or undue influence.

3. As per the statement of investigating officer, accused Harpreet Singh has not been declared proclaimed offender in any case and further no such proceedings are pending against him. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage of petitioner 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 judgment and decree dated 20.07.2020 passed by the Court of learned Principal Judge, Family Court, Patiala. The custody of minor child shall remain with respondent No.2. The lump-sum amount on account of permanent alimony has also been paid to 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.0011 dated 23.01.2019 under Sections 498-A and 506 IPC registered at Women Police Station, Patiala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

05.07.2022
smriti

(VIVEK PURI)
JUDGE

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