

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15219-2022
Date of Decision: 30.08.2022

INDER MOHAN SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vinay Puri, Advocate
for the petitioners.

Mr. Harpreet Singh, Additional A.G.Punjab.

Mr. Parminder Singh Kanwar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.169 dated 19.12.2013 under Sections 406 and 498-A IPC registered at Police Station City, Hoshiarpur 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, Hoshairpur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per the statements suffered by the parties i.e. the complainant and the accused persons, they have compromised the matter voluntarily, without any coercion or undue influence and the compromise was effected between the parties as per their free will and consent. The parties also stated that they shall abide by the compromise arrived between them the copy of which is Ex.CA.

Accordingly, in compliance of the aforesaid order of the Hon'ble Punjab & Haryana High Court, ASI Hans Raj No.1052/HPR, PS Model Town, District Hoshiarpur appeared in the court on dated 6.6.2022 and stated that FIR No.169 dated 19.12.2013 u/s 498A, 406 IPC was registered at police station City by the complainant Gurpreet Kaur W/o. Inder Mohan Singh, R/o. H.No.B-17/366, Premgarh, Mata Rani Chowk, PS City, Hoshiarpur against person namely Inder Mohan Singh only and thereafter accused Surinder Singh, Bhupinder Kaur, Amritpal Kaur and Navpreet Kaur were summoned by the court under section 319 Cr.P.C. All the accused were on bail and no accused was ever been declared as proclaimed offender in this case. A compromise has been effected between the complainant and accused voluntarily and without any coercion, undue influence and the compromise is genuine one. No other criminal case is spending against the accused persons. IO have no objection if the abovesaid FIR be quashed as per the compromise effected between the parties.

Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties had entered into a genuine compromise as per their free will and without any undue influence.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.12.2009 and a female child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 04.07.2022 passed by the learned Principal Judge, Family Court, Hoshiarpur. A sum of Rs.13,50,000/ has been paid on account of permanent alimony to respondent No.2 and the custody of minor daughter shall remain with her. 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.169 dated 19.12.2013 under Sections 406 and 498-A IPC registered at Police Station City, Hoshiarpur, on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

30.08.2022
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(VIVEK PURI)
JUDGE

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