IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14893-2022
Date of Decision: 24.11.2022.

GURDEEP SINGH **... PETITIONER**

VS.

STATE OF PUNJAB AND ANR **.. RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Thind, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

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

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VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.113 dated 20.10.2018 under Sections 406/498-A IPC registered at Women Police Station, District Patiala 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, Patiala, has sent the report and the relevant portion whereof reads as under:-

> *"1. The FIR in question has been registered u/s 406, 498-A IPC against the accused namely Gurdeep Singh and Challan report u/s 173 Cr.P.c. has been presented in the court on 12.6.2019 U/S 406, 498-A IPC only against accused Gurdeep Singh*
>
> *2. The accused Gurdeep Singh has not been declared proclaimed offender and further no such proceeding is pending against him.*
>
> *3. From the statement recorded by the*

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> *parties, this court is satisfied that compromise effected between the parties is genuine and further respondent/complainant Mandeep Kaur and petitioner/accused Gurdeep Singh have entered into compromise voluntarily and with their free will and without any coercion or undue influence.*
>
> *4. As per statement of investigating officer, no other criminal case has been registered or pending against accused Gurdeep Singh.*
>
> *5.The statement of investigating officer has also been recorded wherein he has stated that Mandeep Kaur is sole victim and complainant in the present FIR."*

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 07.01.2008 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 24.09.2021, Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein statements of the parties at the stage of first motion have been recorded. The custody of minor daughter shall remain with respondent No.2. The petitioner shall pay a sum of Rs.3 lac to respondent No.2 on account of permanent alimony 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

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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.113 dated 20.10.2018 under Sections 406/498-A IPC registered at Women Police Station, District Patiala on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

24.11.2022 **(VIVEK PURI)**
smriti **JUDGE**

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

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