

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

CRM-M-15590-2022 (O&M)

Date of Decision: 05.08.2022

HARDEEP SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipul Aggarwal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Pardeep Rajput, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 97 dated 24.07.2019 under Section 498-A IPC registered at Police Station Kathu Nangal, District Amritsar Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 18.04.2022, learned Judicial Magistrate Ist Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) The number of persons arraigned as accused in the present FIR is three.

2) As per the statement of the IO, none of the accused has been declared as a proclaimed offender.

3) After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties.

4) As per the statement of the IO, none of the accused is involved in any other case.

5) As per the statement of the IO, there is only one victim/complainant namely Rajbir Kaur in the present FIR.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of Settlement/Agreement (Annexure P-2) effected in the Mediation and Conciliation Centre of this Court. Petitioner No.1 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 the statements of the parties at the stage of first motion have been recorded. Petitioner No.2 has transferred one and half acres of agriculture land in the name of minor daughter of respondent No.2. Respondent No.2 has received all her documents and certificates.

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

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.97 dated 24.07.2019 under Section 498-A IPC registered at Police Station Kathu Nangal, District Amritsar Rural and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

05.08.2022

Janki

(VIVEK PURI)
JUDGE

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