

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

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**CRM-M-16961 of 2022
Date of decision : 31.08.2022**

Mandeep Singh

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Ms. Sapna Khurana, Advocate, for the petitioner.

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

Mr. Subhash Chand, Advocate, for respondent No.2.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioner is seeking to quash the FIR No.0132 dated 16.07.2021 under Sections 498-A, 406, 506 IPC registered at Police Station Subhanpur, District Kapurthala, on the basis of compromise dated 10.01.2022 (Annexure P-2).

On 27.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 27.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Kapurthala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In this case, FIR No.0132 dated 16.07.2021, under Sections 498-A, 406, 506 of Indian Penal Code 1860, PS Subhanpur, District Kapurthala, the statements of complainant Kirandeep Kaur wife of Mandeep Singh daughter of Kuldeep Singh as well as accused Mandeep Singh son of Amrik Singh were recorded on 21.05.2022, wherein they have stated that they have compromised the matter with each other with their own free will, without any pressure, coercion or any undue influence. The accused Mandeep Singh also stated that there is no other

litigation pending between him and complainant. Both the parties were duly identified by their respective counsels. Further, as per statement of ASI Balvir Singh No.239/Kpt, Investigating Officer of this case, FIR No.132 dated 16.07.2021, under Sections 498-A, 406, 506 of Indian Penal Code, PS Subhanpur, has been registered only against one accused namely Mandeep Singh s/o Amrik Singh r/o 62, Tirath Nagar Sultanwind Road, Amritsar and he is neither declared as proclaimed person nor involved in any other case. Furthermore, as per statement of the Investigating Officer, there is only one complainant/victim namely Kirandeep Kaur w/o Mandeep Singh daughter of Kuldeep Singh r/o Hamira, Jagatjit Nagar, Kapurthala and except her, there is no other victim in the said FIR. So, it is clear from the statements of the complainant Kirandeep Kaur and accused Mandeep Singh as well as after their examination in the Court, that they have entered into compromise and solved their differences, without any undue influence, coercion and threat. As such, in my opinion, the parties have entered into compromise voluntarily.”

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 on 10.12.2017 and a child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise/agreement dated 10.01.2022 (Annexure P-2). Respondent No.2 along with her minor daughter is happily residing with the petitioner in the matrimonial house.

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.0132 dated 16.07.2021 under Sections 498-A, 406, 506 IPC registered at Police Station Subhanpur, District Kapurthala, is ordered to be quashed, however, qua the petitioner only.

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

31.08.2022
anil

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>