

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17844-2021
Date of decision: 05.01.2022

KANWARDEEP SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Shubham Gupta, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on account
of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.366 dated 18.11.2020 under Sections 406/498A Indian Penal Code, 1860 registered at Police Station Civil Lines, Batala, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 11.10.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 11.10.2021, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and submitted its report dated 20.12.2021, the relevant para whereof reads as under:-

“This is in reference to the matter cited in the subject. Hon'ble Punjab & Haryana High Court, vide order dated 11.10.2021 in CRM-M-17844-2021 directed the parties to record their statements of compromise before the Trial Court/lllaqa Magistrate on 24.11.2021 or any other date convenient to the Trial Court/ lllaqa Magistrate. It is humbly submitted that petitioners-accused namely, Kanwardeep Singh s/o Kulwant Singh, Surjit Kaur wife of Kulwant Singh and Kulwant Singh slo Buta Singh. all residents of Village Galowali, P.O. Chetanpura, Block Majitha, District Amritsar and complainant/respondent namely, Kawalpreet Kaur wife of Kanwardeep Singh d/o Inderjeet Singh, r/o Gali No. 2, Ujagar Nagar Qadian Road, Batala, Gurdaspur appeared on 24.11.2021 before the Court of undersigned and both the parties suffered statements that the matter has been compromised between the parties. The para-wise report is as under;

I. After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.

II. No PO proceedings are pending against any of the party.”

Learned counsel for the petitioners contends that there is matrimonial dispute between petitioner No.1 and respondent No.2, the said matrimonial dispute has been amicably settled and the parties are stated to be residing together. The petitions under Section 125 Cr. P.C., under Sections 12/18/19/20/22/23 of Protection of Women from Domestic Violence Act, under Section 9 of Hindu marriage Act and under Section 24 of Hindu Guardian and Maintenance Act have

already been withdrawn by respondent No.2. Petitioner No.1 and respondent No.2 are happily residing with a minor child in the matrimonial house.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that the dispute appears to be private in nature and as a consequence of the matrimonial dispute between petitioner No.1 and respondent No.2, and 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.

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.366 dated 18.11.2020 under Sections 406/498A Indian Penal Code, 1860 registered at Police Station Civil Lines, Batala, District Gurdaspur, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

05.01.2022
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(VIVEK PURI)
JUDGE

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