

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

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**CRM-M-18097 of 2022
Date of decision : 31.08.2022**

Sukhwinder Singh Saini

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Ms. Aman Rani, Advocate, for the petitioner.

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

Mr. Prince Sharma, Advocate, for respondent No.2.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioner is seeking to quash the FIR No.110 dated 21.12.2012 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana, on the basis of compromise dated 19.04.2022 (Annexure P-2).

On 02.05.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 02.05.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“2. The undersigned has recorded the separate statement of complainant namely Preet Saini D/o Yash Paul Goraya who stated in her statement that she is the complainant of the present case and on her statement present case bearing FIR No.110 dated 21.12.2012 under Section 406, 498-A IPC PS Women Cell, Ludhiana was registered against accused namely Sukhwinder

Singh and now with the intervention of respectables, she has entered into compromise with the accused without any pressure, coercion and undue influence. She has no objection, if the present FIR be quashed. She also placed on record copy of her Aadhar card as her identity proof. Thereafter, separate statement of accused namely Sukhwinder Singh S/o Sarwan Singh was recorded who stated in his statement that he is the accused in above said FIR and now with the intervention of respectables, he has entered into compromise with the complainant Preeti Saini without any pressure, coercion and undue influence and he has no objection if quashing petition is accepted. He has also placed on record adhaar card as their identity proof. Thereafter, undersigned recorded the statement of HC Karan Sharma No.2765/Ldh, PS Women, Ludhiana who in his statement stated that Ios namely ASI Darbara Singh, SI Charanjit Singh and SI Manjit Singh have already retired and SHO has deputed him to record his statement alongwith the record. As per record the FIR was registered against accused Sukhwinder Singh, Sarwan Singh and Balbir Kaur. Accused Sarwan Singh and Balbir Singh have been acquitted by Ms. Pavleen Singh Ld. JMIC, Ldh. No other case is pending against accused Sukhwinder Singh except the present case. He further stated that the only complainant/victim of the present case is Preeti Saini. Further the accused Sukhwinder Singh was earlier declared PO but now nothing is pending against accused.

3. The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the

complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There is only one accused arrayed in the present case namely Sukhwinder Singh. He was earlier declared PO and now nothing is pending against him except the present case as per statement of HC Karan Sharma. Now matter has been compromised between the parties.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the respondent No.2 on 30.11.2018 and a daughter has been born from the wedlock. Petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act, for dissolution of the marriage by mutual consent, wherein, statements of the parties at the stage of first motion have already been recorded. The custody of minor daughter shall remain with respondent No.2. The petitioner shall pay a sum of Rs. 5 Lakhs on account of permanent alimony to respondent No.2. The respondent No.2 has also withdrawn the petition under Section 125 Cr.P.C.. No other case is pending against the parties.

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.110 dated 21.12.2012 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana, 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>