

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19372-2022

Date of Decision: 10.10.2022

GURBHEJ SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pardhuman Garg, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Kapil Mohan Singla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0002 dated 19.01.2019 under Sections 498-A and 406 IPC registered at Women Police Station, District Ludhiana Rural on the basis of compromise.

On 20.07.2022, the parties were directed to get their statements recorded before the learned Trial Court/Area Magistrate.

In compliance of the order dated 20.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagraon, has sent the following report:-

“Pursuant to the order dated 20.07.2022 passed by the Hon'ble Punjab & Haryana High Court in CRM-M-19372-2022 titled as Gurbhej Singh and others Versus State of Punjab & another, report is hereby submitted to the effect that the statements of complainant/respondent no.2 Harpreet Kaur W/o Gurbhej Singh and D/o Jaswant Singh, present residing at Village Chakkar, PO Mallah, Tehsil Jagraon, Distt. Ludhiana and accused/petitioners namely Gurbhej Singh S/o

Narinder Singh through his attorney holder Satnam Singh S/o Dalbir Singh and Prabhjit Singh S/o Narinder Singh and Sukhwinder Singh S/o Narinder Singh, All residents of Village Chuhewal, PO Chahal Kalan, Tehsil Batala, Gurdaspur, recorded. This Court is satisfied that the parties have made amicable settlements and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of Investigation Officer ASI Jaswinder Singh No.284/LDH(R), recorded to the effect that in the present case, there is only one complainant namely Harpreet Kaur and four accused namely Gurbhej Singh S/o Narinder Singh, Prabhjit Singh S/o Narinder Singh, Sukhwinder Singh S/o Narinder Singh and Chitwant Kaur W/o Narinder Singh (since died). He further stated that there is no proclaimed offender in the present case and the stage of trial/case is prosecution evidence.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.02.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor child is happily residing in the matrimonial home and in a short period of time, they will be taken to the country where petitioner No.1 is presently residing. It has been further stated that one of the accused, namely, Chitwant Kaur, has since died and this aspect has also been mentioned in the report of learned trial Court.

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 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.0002 dated 19.01.2019 under Sections 498-A and 406 IPC registered at Women Police Station, District Ludhiana Rural is ordered to be quashed, however, qua the petitioners only.

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

10.10.2022
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(VIVEK PURI)
JUDGE

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