

286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23868-2022
Date of Decision: 17.08.2022

MANJIT SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harish Bhatti, Advocate for the petitioners.

Mr. Karanbir Singh, AAG Punjab.

Ms. Manjot Kaur, 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. 30 dated 20.07.2021 under Sections 498-A, 406, 506, 417 IPC and Section 67 of Information Technology Act registered at Police Station NRI, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 27.05.2022, 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 27.05.2022, learned Judicial Magistrate Ist Class, SAS Nagar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ 1. As per the statement of IO, SI Ravinder Singh No. 513/PR SAS Nagar, posted at PS NRI, SAS Nagar, there are two accused persons namely Manjit Singh and Paramjit Kaur.

2. As per the statement of IO, SI Ravinder Singh No. 513/PR SAS Nagar, posted at PS NRI, SAS Nagar, none of the accused have been declared proclaimed offender.

3. As per those statements of the parties to the case, this court is of the considered view and has acquired its satisfaction that the parties have arrived at a compromise with their free consent and voluntarily and genuinely.

4. As per the statement of IO, SI Ravinder Singh No. 513/PR SAS Nagar, posted at PS NRI, SAS Nagar, the accused persons are not involved in any other case.

5. As per the statement of IO, SI Ravinder Singh No. 513/PR SAS Nagar, posted at PS NRI, SAS Nagar, there is only one complainant/victim namely Harpreet 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 compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 was solemnized in the year 2018 but no child has been born from the wedlock. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 11.07.2022 passed by the learned Family Court, SAS Nagar (Mohali). A sum of Rs. 4 Lakhs has been paid on account of permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 30 dated 20.07.2021 under Sections 498-A, 406, 506, 417 IPC and Section 67 of Information Technology Act registered at Police Station NRI, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

17.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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