

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21850-2022

Date of Decision: 14.07.2022.

ANGREJ SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Pooja Arora, Advocate for
Mr. Paramjit Singh Bal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Lakhvir Kumar, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.157 dated 08.06.2016 under Sections 498-A, 506 and 323 IPC registered at Police Station City Khanna, District Ludhiana on the basis of compromise.

On 19.05.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court/Duty Magistrate.

In compliance of the order dated 19.05.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Khanna, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. It is submitted that complainant Gurmeet Kaur duly identified by her counsel Sh. Suresh Kumar Adv. and accused Angrej Singh duly identified by his counsel Sh. P.S.Bal Adv have

appeared before the Court for recording their statements and their separate statements have been recorded with regard to the compromise. They have also produced their aadhar cards as Mark B and Mark C for their identification.

2. As per record, complainant/victim Gurmeet Kaur and accused Angrej Singh have consented for the compromise.

3. As per the statement of the parties, there is no pressure, threat or coercion on the complainant/victim.

4. As per record, the challan has been presented u/s 498A, 506, 323, 406 IPC and charges have been framed against the accused Angrej Singh u/s 498A, 506, 323, 406 IPC.

5. The compromise made between the parties is genuine, voluntarily and without any coercion or undue influence. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage of petitioner and respondent No.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act. Respondent No.2 has been paid a sum of Rs.2,75,000/- on account of permanent alimony. Two daughters have been born from the wedlock. The custody of minor daughter, namely, Manpreet Kaur @ Mannat shall remain with respondent No.2 and the custody of other minor daughter, namely, Navneet Kaur shall remain with the petitioner. No other case is pending between the parties.

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.157 dated 08.06.2016 under Sections 498-A, 506 and 323 IPC registered at Police Station City Khanna, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

14.07.2022
smriti

(VIVEK PURI)
JUDGE

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