

242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21698-2022
Date of Decision: 09.09.2022

MALKIAT SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Mandeep Kaur, Advocate for
Mr. Amit Goyal, Advocate for the petitioners.

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

Mr. Rishav Soni, Advocate for respondent Nos.2&3.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 81 dated 15.10.2018, under sections 406, 498-A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-5).

On 20.05.2022, 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 20.05.2022, learned Judicial Magistrate Ist Class, Ludhiana has recorded the statements of the parties and

submitted the report, the relevant portion whereof reads as under:-

“ 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 are only two accused arrayed in the present case namely Malkiat Singh and Jaswinder Kaur. They have never been declared PO and no other case is pending or decided against accused as per statement of IO. Now matter has been compromised between the parties. Hence, report is hereby sent your goodself for your kind perusal.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 and respondent No.2 was solemnized on 10.04.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-5. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 24.07.2019 passed by the Court of learned Principal Judge, Family Court at Ludhiana (Annexure P-3). The respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and the complaint under Section 138 of the Negotiable Instruments Act. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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-5). 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. 81 dated 15.10.2018, under sections 406, 498-A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

09.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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