

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

**CRM-M-24483-2022
Date of Decision: 29.09.2022**

**HARPREET SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Hitesh Ghai, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Kulwinder Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 14 dated 05.02.2021, under Sections 406/498-A IPC, registered at Police Station Women Cell, Police Commissionerate Ludhiana, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 31.05.2022, 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 31.05.2022, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, there are two persons namely Harpreet Singh and Balwinder Kaur arraigned as

accused in FIR and they have not declared as Proclaimed Offender and they are not involved in any other case. There is only one victim namely Mankiran Kaur in the FIR in question.

So, from the statements of the parties, it appears to the court that the parties have compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 19.02.2018 but no child has been born from the wedlock. Although, the names of two other relatives were mentioned in the complaint submitted by respondent No.2, but the FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.04.2021 (Annexure P-3). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 has paid a sum of Rs. 4,00,000/- on account of permanent alimony to respondent No.2. 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-3).

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. 14 dated 05.02.2021, under Sections 406/498-A IPC, registered at Police Station Women Cell, Police Commissionerate Ludhiana, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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