

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24215-2022

Date of Decision: 08.12.2022

KULVIR SINGH AND ORS.

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amandeep Soni, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Avinash Mandla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.140 dated 18.11.2015 under Section 498 IPC registered at Police Station Anandpur Sahib, District Rupnagar and all the consequential proceedings arising therefrom on the basis of compromise.

On 29.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 29.07.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ 1. Initially, the FIR was registered against two accused namely Kulvir Singh and Jagtar Kaur and third accused namely Navjot Singh was summoned by the court as additional accused under Section 319 Cr.P.C.

2. None of the accused is proclaimed

offender in the present case.

3. From the above statements of victim/complainant namely Lovely Devi and accused namely Kulvir Singh, Jagtar Kaur and Navjot Singh, this court is of the view that compromise is genuine, voluntarily and without any coercion or undue influence. However from the perusal of the compromise Ex. P1 it transpires that the same has been signed only by the respondent No.2/Complainant Lovely Devi and Petitioner/Accused No. 1 Kulvir Singh.

4. The accused persons are not involved in any other case.

5. As per statement of the investigating officer, there is only one victim/complainant in the present case i.e. Lovely Devi who has got recorded her above said statement before the court and has consented for the compromise.”

Learned counsel for the petitioners contend that though the offence has been mentioned as 498 IPC in the FIR but infact the allegations spell out the commission of offence under Section 498-A IPC. Even, the charge has been framed under Section 498-A IPC which is borne out from the copy of charge sheet dated 02.05.2016 framed by the learned trial Court. Even the District Attorney, Rupnagar has sent the communication (Annexure A-2)_to the Officer In-charge, Police Station Shri Anandpur Sahib indicating that the offence under Section 498 IPC is liable to be deleted and offence under Section 498-A IPC is liable to be incorporated.

It has been further contended by learned counsel for the petitioners that the marriage of petitioner No.1 was solemnized with respondent No.2 on 17.11.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the

parties in terms of the compromise (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 08.09.2020 passed by the Court of learned District Judge, Rupnagar. The custody of the minor child shall remain with respondent No.2. A sum of Rs.9 lac has been paid to respondent No.2 on account of permanent alimony and 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.140 dated 18.11.2015 under Section 498 IPC registered at Police Station Anandpur Sahib, District Rupnagar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

08.12.2022
smriti

(VIVEK PURI)
JUDGE

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