

GURTEJ SINGH AND ORS

...Petitioners

Vs.

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI**Present:** Mr. Vipin Mahajan, Advocate for the applicant-petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vishal Munjal, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.38 dated 01.03.2018 under Sections 498-A, 406 IPC at Police Station Dina Nagar, District Gurdaspur, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.06.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 02.06.2022, learned Judicial Magistrate 1st Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Complainant/respondent Manpreet Kaur has suffered statement to the effect that she is the only complainant in the FIR No.38 dated 01.03.2018 under Sections 498-A, 406 IPC at Police Station Dina Nagar, which was got registered by her against accused persons namely Gurtej Singh, Kashmir Singh and Gurmeet Kaur. She further stated that her marriage with accused Gurtej Singh has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act by the Court vide judgement dated 02.09.2018. She has further stated that the compromise has been effected without any pressure and coercion and she has no objection, if the present be quashed.

Petitioners/Accused namely Gurtej Singh, Kashmir Singh and Gurmeet Kaur have suffered separate statements to the effect that the complainant got registered an FIR No.38 dated 01.03.2018 under Sections 498-A, 406 IPC at Police Station Dina Nagar against them. They further stated that marriage of accused Gurtej Singh and complainant Manpreet Kaur has been dissolved by a decree of divorce Under Section 13-B of the Hindu Marriage Act by the Court vide judgement dated 20.09.2018. They further stated that the compromise has been effected without any pressure and coercion. In the end, they prayed that in the interest of justice present FIR be quashed.

In view of the statements recorded by both the parties, this Court is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners contends that the marriage of the petitioner No.1 was solemnized with respondent No.2 on 21.01.2016 and a daughter has been born from the wedlock. 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 had been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage vide order dated 25.09.2018 passed by learned Additional District Judge, Gurdaspur. The custody of the minor daughter shall remain with petitioner No.1 and all the claims of respondent No.2 for permanent alimony and articles to respondent No.2 have been settled. No other case is pending between the parties.

After hearing the 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. 38 dated 01.03.2018 under Sections under Sections 498-A, 406 IPC at

Police Station Dina Nagar, District Gurdaspur, Punjab and all the consequential

proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

18.10.2022
priyanka

(VIVEK PURI)
JUDGE

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