

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24838-2022

Date of Decision: 14.11.2022

NIHAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Ramandeep, Advocate respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 249 dated 15.08.2014, under Section 498-A IPC (Section 406 IPC added later on), registered at Police Station City Sangrur, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 09.08.2022, 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 09.08.2022, learned Chief Judicial Magistrate, Sangrur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per statement of complainant Harmesh Kaur, F.I.R and statement of ASI Raghwinder Pal Singh, accused/petitioner Nihal Singh has been arrayed as accused in the F.I.R. in question.
It is further stated that as per statement of accused,

ASI Raghwinder Pal Singh and as per record of this Court, accused Nihal Singh has neither been declared as proclaimed offender in the present case nor any proclamation proceedings are pending against him in this case.

He is on bail in the present case.

The compromise as per statements of complainant Harmesh Kaur and accused Nihal Singh has been arrived at voluntarily and without any pressure, undue influence or coercion between complainant and accused.

It is further submitted that as per statement of accused, he is not involved in any other F.I.R. It is also submitted that ASI Raghwinder Pal Singh Investigating Officer of this case has appeared and has suffered the statement that except Harmesh Kaur, there is no other complainant or victim in the present FIR.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 15.02.2019 and a son has been born from the wedlock. The other family members of the petitioner were found to be innocent and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of Settlement/Agreement, Annexure P-3 effected in Mediation and Conciliation Center. At the earlier instance the petitioner had instituted a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage and the same was allowed. The respondent No.2 had preferred an appeal bearing FAO(M)-120-2018 during the pendency of the appeal and the same was converted into a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. The said petition has been allowed by this Court in terms of the order dated 09.09.2022. No other case is pending between the parties. The custody of the minor child shall remain with respondent No.2.

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. 249 dated 15.08.2014, under Section 498-A IPC (Section 406 IPC added later on), registered at Police Station City Sangrur, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

14.11.2022

Janki

(VIVEK PURI)
JUDGE

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