

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25008-2022
Date of Decision: 21.11.2022.

GURJANT SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikas Gupta, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Vikasdeep Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.68 dated 19.11.2018 under Sections 406/498-A and 506 IPC registered at Police Station Khem Karan, District Tarn Taran and all the consequential proceedings arising therefrom on the basis of compromise.

On 01.06.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 01.06.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patti, has sent the report and the relevant portion whereof reads as under:-

“1. There are total five accused persons arrayed in the present FIR as per statement of the Investigating officer and FIR.

2. No accused is proclaimed offender.

3. The compromise is genuine, voluntary and without any coercion or undue influence and not a result of fraud as per the statements of the parties.

4. No accused persons are involved in any

other case except Avtar Singh son of Kabal Singh, who has been arraigned in two other cases i.e. FIR No.58/2018, under Section 25/54/59 of Arms Act, Police Station, Khemkaran, wherein he was sentenced for 6 months and fined of Rs.100/- and in FIR no.55/1999, under Section 302/307 of IPC Police Station Khemkaran, wherein he has been sentenced for life imprisonment.

5. As required statement of Investigating officer is recorded and as per same there is only one complainant/victim in the FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.12.2014, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled in terms of compromise contained at Annexure P-2. 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 statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.8 lac to respondent No.2 on account of permanent alimony. A sum of Rs.4 lac has already been paid and balance amount of Rs.4 lac will be paid when the statements of the parties at the stage of second motion are recorded 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.68 dated 19.11.2018 under Sections 406/498-A and 506 IPC registered at Police Station Khem Karan, District Tarn Taran 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.

21.11.2022
smriti

(VIVEK PURI)
JUDGE

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