

301 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25096-2022
Date of Decision: 29.09.2022

BALDEV SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajan Singh Dadwal, Advocate, for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Kulwinder Singh, Advocate for
Mr. Umesh Kumar Kanwar, Advocate, for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 09 dated 25.12.2018 under Sections 406 and 498-A IPC registered at Police Station NRI, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 02.06.2022, 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 02.06.2022, learned Judicial Magistrate 1st Class, Jagraon has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

- “1. There are three accused in the present FIR as per the statement of the IO namely Paramjit Kaur, Baldev Singh and Sukhwinder Singh.
2. None of the accused is proclaimed offender as per the statement of the IO.

3. The compromise is genuine, voluntarily made out of the free will of the parties and without any coercion or undue influence.

4. There is no other criminal case pending against the accused as per the statement of IO.”

Learned counsel for the petitioners contend that the marriage of petitioner No.3 was solemnized with respondent No.2 on 01.02.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-3. The petitioner No.3 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act in the Family Court, Ludhiana. A sum of Rs.17 lakhs shall be paid on account of permanent alimony to respondent No.2 and out of the same, a sum of Rs.10 lakhs has already been paid. 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. 09 dated 25.12.2018 under Sections 406 and 498-A IPC registered at Police Station NRI, District Ludhiana Rural 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*