

**249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M--28949-2021
Date of Decision: 31.03.2022**

**BHUPINDER KAUR AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karanjit Singh, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. S.S.Deol, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 3 dated 10.01.2019, under Sections 498-A and 406 (added later on) IPC, registered at Police Station Women, Police Commissionerate Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 27.07.2021 notice of motion was issued and on 24.11.2021, 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 24.11.2021, learned Judicial Magistrate First Class, Amritsar has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“I have the honour to submit that in

compliance of order dated 24-11-2021, passed by Hon'ble High Court in CRM-M-28949-2021, statement of complainant namely Mandeep Kaur has been recorded in FIR No. 03 dated 10-01-2019, P.S. Women, Amritsar through V.C. on mobile (+447826116060) and she has been identified by Sh. Gurmit Singh (father of Mandeep Kaur), Sh. Suraj Sharma Advocate and Kuldeep Singh accused. She has stated that she has effected compromise with all the accused voluntarily and without any misrepresentation, threat, coercion or duress. She has also placed before court copy of her aadhar card as Mark-A and copy of compromise deed EX-C-1 through her counsel Sh. Suraj Sharma Advocate.

2. Accused Bhupinder Kaur, Kuldeep Singh and Hitesh Pal Singh (through his father Kuldeep Singh being special power of attorey) have also got recorded their statements and they have also stated that with the intervention of respectables, compromise has been effected and that parties have decided to enter into same without any misrepresentation, undue influence or threat. They undertook to remain bound by their statements. As a mark of identity, they had placed on record copy of his adhar cards as Mark-B, Mark-C, photocopy of passport of Hitesh pal Singh as well as photocopy of demand drafts i.e. Mark -D and Mark-E, Compromise deed EX-C-1 and copy of special power of attorney EX-C-2.

3. Statement of investigating officer ASI/IO Inderjit Singh 352/ASR (C), PS Women Cell II, Amritsar has also been recorded to the effect that FIR was registered by Mandeep Kaur against accused Hiteshpal Singh, Bhupinder Kaur and Kuldeep Singh and there are only three accused persons namely Hiteshpal Singh, Bhupinder Kaur and Kuldeep Singh involved in present FIR or occurrence. He further stated that except these accused no other accused is involved in present FIR and that no person has been declared as proclaimed person in the present FIR. He also submitted that challan in the present case against aforesaid accused persons has already been presented in the court of undersigned and same is fixed for 27-4-2022 and except present FIR, accused persons are not involved in any other case. He also stated that there is only one victim involved in the present FIR, who is the complainant Mardeep Kaur and Except

Mandeep Kaur no other victim is involved in present FIR.

4. From the statement of complainant Mandeep Kaur and Bhupinder Kaur, Kuldip Singh and Hitesh Pal Singh (through his father Kuldeep Singh being special power of attorney) so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any coner.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The petitioner No.3 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent and statements of the parties at the stage of first motion have been recorded. A sum of Rs. 12,50,000/- as part of permanent alimony has already been paid and the balance amount of Rs. 12,50,000/- shall be paid at the time of recording of the statements at the stage of second motion.

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-2). 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. 3 dated 10.01.2019, under Sections 498-A and 406 (added later on) IPC, registered at Police Station Women, Police Commissionerate Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners.

31.03.2022

Janki

(VIVEK PURI)
JUDGE

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