

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27086-2022

Date of Decision: 30.11.2022

LOVEPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Vipul Sachdeva, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.0085 dated 06.11.2019 under Sections 406 and 498-A IPC registered at Women Police Station, District Patiala and all the consequential proceedings arising therefrom on the basis of compromise.

On 05.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 05.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class, Patiala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per the statement of Investigating Officer only Lovepreet Singh has been arraigned as accused in this FIR.

2. Investigating Officer has further submitted that no absconding/proclamation proceedings are pending against the accused

person in the present case.

3. From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without and force, coercion or undue influence and out of free will of the parties.

4. As per the statement of Investigating Officer, there is no other criminal case is pending against the accused person.

5. Only Rupinder Kaur is victim/complainant in the present case and she has appeared in the Court for recording her statement in support of the compromise.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 16.02.2018 (inadvertently mentioned as 16.02.2019 in the FIR) but no child has been born from the wedlock. Although, the names of other family members were also mentioned in the complaint, but the FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 16.11.2022 passed by the learned Family Court, Patiala (Camp at Samana). A sum of Rs.8 lac has been paid to respondent No.2 on account of permanent alimony 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.0085 dated 06.11.2019 under Sections 406 and 498-A IPC registered at Women Police Station, District Patiala and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

30.11.2022
smriti

(VIVEK PURI)
JUDGE

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