

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8909-2018

Date of Decision: 31.03.2022

HARPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Satwant Mehta, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Saksham, Advocate for
Mr. Jasmandeep, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.75 dated 26.12.2016 under Sections 406 and 498-A IPC registered at Police Station Women, District Amritsar on the basis of compromise.

On 05.03.2020, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 05.03.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurugram has sent the report and the relevant portion whereof is reproduced here-in-below:-

- “1. There is only one accused namely Harpreet Singh arrayed in the FIR as per the statement of Investigating Officer.*
- 2. He is not proclaimed offender as per the statement of the Investigating Officer.*
- 3. The challan has not been presented in the present*

FIR.

4. The compromise is genuine, voluntarily made, without any threat, coercion and out of free will of the parties.”

Learned counsel for the petitioner contends that marriage of petitioner with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 09.08.2018. The amount of permanent alimony has been paid to respondent No.2.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has 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.75 dated 26.12.2016 under Sections 406 and 498-A IPC registered at Police Station Women, District Amritsar and all the subsequent 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.

31.03.2022
smriti

(VIVEK PURI)
JUDGE

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