

CRM-M-30390-2022

Date of decision: 20.09.2022

GURWINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Navinder Jit Singh Dandiwal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Arjinder Singh Sidhu, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.48 dated 01.04.2022, under Sections 406/498-A IPC, registered at Police Station City Nawanshahar, District SBS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.07.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 18.07.2022, learned Judicial Magistrate 1<sup>st</sup> Class, Shaheed Bhagat Singh Nagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“From the statements of the parties recorded, it appears*

*to this Court that the compromise effected between the complainant and petitioner/accused Gurwinder Singh, Gurmail Singh and Nirmal Kaur is without any pressure, coercion and same was done with the free consent of the parties. Further, it is also submitted that above-said accused persons are facing the trial in the present case and as per the statement of investigating officer, petitioners/accused are not involved and declared proclaimed offender in any other criminal case.”*

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.09.2020 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 07.07.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with minor son is happily residing in the matrimonial house with petitioner No.1. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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. 48 dated 01.04.2022, under Sections 406/498-A IPC, registered at Police Station City Nawanshahar, District SBS Nagar all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

20.09.2022  
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(VIVEK PURI)  
JUDGE

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