

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30733-2022
Date of Decision: 30.09.2022

GURDIP SINGH @ GURDEEP SINGH AND ORS
... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER
.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Baljinder Singh Sra, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. B.S.Sidhu, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0040 dated 27.10.2021 under Sections 498-A/494 and 506 IPC registered at Police Station Women Cell, Bathinda and all the consequential proceedings arising therefrom on the basis of compromise.

On 18.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 18.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bathinda, has sent the report and the relevant portion whereof reads as under:-

“1. It is respectfully submitted that there are four accused persons namely Gurdip @ Gurdeep Singh, Barjinder Singh, Paramjit Kaur and Tejinder Singh arrayed in the present FIR No.40 dated 27.10.2021, under section 498, 494 and 506 IPC PS Women Cell, Bathinda.

2. As per record no accused has been

declared as proclaimed offender.

3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

4. As per record, no accused is involved in any other FIR.

5. It is further submitted that statement of Investigating officer namely SI Sukhwinder Singh recorded and as per record and statement of investigating officer, there is one complainant/victim namely Davinder Kaur in the present FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.2 was solemnized with respondent No.2 on 26.01.2017 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.2 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded in the Family Court at Bathinda. A sum of Rs.9,50,000/- shall be paid to respondent No.2 on account permanent alimony. A sum of Rs.3,50,000/- has already been paid to respondent No.2 and the balance amount of Rs.6,00,000/- shall be deposited in the shape of fixed deposit in the name of the minor daughter and the same shall be handed over to respondent No.2 when the statements are recorded at the stage of second motion. The custody of minor child shall remain with respondent No.2. The parties have agreed to withdraw the other cases pending against each other.

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.0040 dated 27.10.2021 under Sections 498-A/494 and 506 IPC registered at Police Station Women Cell, Bathinda and 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.

30.09.2022
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(VIVEK PURI)
JUDGE

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