

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32496-2022

Date of Decision: 11.10.2022

SANDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mayank Mathur, Advocate,
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Arjun Kapur, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.09 dated 25.03.2022 under Sections 406 and 498-A IPC registered at Police Station Women, Patiala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 27.07.2022, 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 reads as under:-

“1.As per the statement of Investigating Officer only Sandeep 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 any 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 pending against the accused person.

5.OnlyManpreet 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 03.11.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement/compromise(Annexure P-3) effected in the Mediation and Conciliation Centre of this Court. The petitioner 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. The petitioner shall pay a sum of Rs.2 lac to respondent No.2 on account of permanent alimony. A sum of Rs.1 lac has already been paid and the balance amount of Rs.1 lac shall be paid when the statements are recorded at the stage of second motion. As per the terms of compromise, all the articles of *istridhan* have been handed over to respondent No.2. The petitioner has withdrawn the petition under Section 9 of the Hindu Marriage Act 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.09 dated 25.03.2022 under Sections 406 and 498-A IPC registered at Police Station Women, Patiala and all the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

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

11.10.2022

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(VIVEK PURI)**JUDGE**

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