

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31409-2020

Date of Decision: 13.05.2022

AMANDEEP SINGH AND ANOTHER ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Gaurav Sethi, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Jaswinder Rana, Advocate for
Mr. Kamaldip Singh Sidhu, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 48 dated 05.04.2014 under Sections 406 and 498-A IPC registered at Police Station Machhiwara District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

On 15.01.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 15.01.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Samrala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. There are two accused namely Amandeep Singh and Balvir Kaur arrayed in the FIR submitted by the police and they have put in their appearance and has suffered separate statements with regard to

compromise (Statement attached) and no accused has been declared proclaimed offender in the present case.

2. The name of the complainant is Jaspreet Kaur who is injured/aggrieved and she has put in her appearance and has suffered separate statement with regard to compromise (Statement attached).

3. One challan U/s 498A, 406 IPC (present case) bearing CH1 No.303/2014 is pending in this court and the stage of the present case is fixed for prosecution evidence.

4. From the statements of accused person and complainant/aggrieved person recorded in the Court, this court is of the view that compromise is genuine, voluntarily and out of free will of parties.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 03.08.2020 (Annexure P-2). The marriage of petitioner No.1 and 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 the judgment and decree dated 17.03.2021 passed by the learned Family Court, Ludhiana. The custody of minor child shall remain with respondent No.2. A sum of Rs.15 lakhs 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. 48 dated 05.04.2014 under Sections 406 and 498-A IPC registered at Police Station Machhiwara District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

13.05.2022
smriti

(VIVEK PURI)
JUDGE

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