

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33560-2020

Date of Decision: 08.04.2022

GURINDER SINGH AND ORS
VS.

... PETITIONERS

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Tejinder Pal Singh, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Prabhdeep Singh Toor, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 15 dated 26.02.2020 under Sections 406 and 498-A IPC registered at Police Station Behram, District SBS Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 26.10.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Magistrate.

In compliance of the order dated 26.10.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar has sent the report dated 09.03.2021 and the relevant portion whereof is reproduced here-in-below:-

“From the statements made by the parties, this court is satisfied that the complainant/respondent no.2 namely Amandeep Kaur has entered into compromise with the accused/petitioner namely Gurinder Singh, Daljit Singh and Karamjit Kaur voluntarily without any

inducement, coercion or pressure etc.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled. The marriage between 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. The parties are having minor child who shall remain in the care and custody of respondent No.2. The amount of permanent alimony has been paid to respondent No.2 and no other case is pending between the parties.

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.

Even, learned State counsel, on instructions from ASI Shamsher singh, states that in the instant case, cancellation report is being prepared.

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. 15 dated 26.02.2020 under Sections 406 and 498-A IPC registered at Police Station Behram, District SBS Nagar and all the subsequent 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.

08.04.2022
smriti

(VIVEK PURI)
JUDGE

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