

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30541-2019

Date of Decision: 11.05.2022

PRITAM SINGH AND OTHERS
VS.

... PETITIONERS

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.S.Bhinder, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Malvika Singh, Advocate for
Ms. Mehak Sawhney, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 123 dated 24.11.2018 under Sections 406/498-A/506 and 323 IPC registered at Police Station Women Cell, Patiala, District Patiala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 19.07.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 19.07.2019, 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 is reproduced here-in-below:-

(i) HC Mander Singh No.2483 Patiala Police Station Women, Patiala has suffered statement that in the present case FIR no.123 dated 24.11.2018 accused Pritam Singh, Mohinder Kaur, Paramjit Kaur,

Harpreet Singh and Iqbal Singh have been nominated. No other accused has been nominated.

(ii) No accused persons of the present case has been declared as proclaimed offender.

(iii) The compromise has been effected between the parties is genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of settlement/agreement (Annexure P-2) effected in the Mediation and Conciliation Centre of this Court. Respondent No.2 has been paid a sum of Rs.4,50,000/- on account of permanent alimony and the marriage of petitioner No.5 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 judgment and decree dated 21.12.2020 passed by the Family Court, Patiala. 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 she 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. 123 dated 24.11.2018 under Sections 406/498-A/506 and 323 IPC registered at Police Station Women Cell, Patiala, District Patiala 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.

11.05.2022
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(VIVEK PURI)
JUDGE

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