

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35882-2022

Date of Decision: 21.11.2022.

JASPREET SINGH AND ORS.

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Randeep Singh, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Gurvinder Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.101 dated 25.09.2021 under Sections 406/498-A and 323 IPC registered at Police Station Ghanaur, District Patiala on the basis of compromise.

On 16.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 16.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Rajpura, has sent the report and the relevant portion whereof reads as under:-

“(i) There are four persons namely Jaspreet Singh, Malkit Singh, Jasvir Kaur and Harpinder Kaur are arrayed as an accused in the present FIR.

(ii) None of the accused has ever been declared proclaimed offender in the present case.

(iii) The undersigned has carefully gone through the Statements got recorded by Varinder Singh (father of complainant) special power of attorney holder of complainant and accused persons namely Jaspreet Singh, Malkit Singh, Jasvir Kaur and Harpinder Kaur. It transpires from the statements that special power of

attorney holder of complainant namely Varinder Singh (father of complainant) and accused persons namely Jaspreet Singh, Malkit Singh, Jasvir Kaur and Harpinder Kaur have arrived at compromise out of their free volition and without any inducement, threat, coercion or undue influence from any quarter. Apparently, the compromise has been arrived at to eliminate bitterness and acrimony between them and in order to restore cordial relations.

(iv) The accused persons namely Jaspreet Singh, Malkit Singh, Jasvir Kaur and Harpinder Kaur are not involved in any other case, except the present case.

(v) As per statement of investigating officer, there is no other victim except complainant Damanjot Kaur in the present case. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 19.01.2020. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-2. The petitioner No.1 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. A sum of Rs.15 lac shall be paid to respondent No.2 on account of permanent alimony in terms of compromise (Annexure P-2). Petitioner No.1 shall withdraw the petition under Section 9 of Hindu Marriage Act and will also get the Brezza car transferred in the name of respondent No.2. The possession of the car has already been handed over 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 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.101 dated 25.09.2021 under Sections 406/498-A and 323 IPC registered at Police Station Ghanaur, District Patiala is ordered to be quashed, however, qua the petitioners only.

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

21.11.2022
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(VIVEK PURI)
JUDGE

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