

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36351-2020

Date of Decision: 12.10.2022

SHARANJIT SINGH AND ORS
VS.

... PETITIONERS

STATE OF PUNJAB AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Yaseen Sethi, Advocate, for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.34 dated 22.06.2015 under Sections 498-A and 406 IPC registered at Police Station Kalanaur, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.11.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 06.11.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurdaspur, has sent the report and the relevant portion whereof reads as under:-

“i. That as per the FIR, there are three persons Prince son of Tarsem Singh, Ninder Kaur @ Narinder Kaur wife of Tarsem Singh and Sharanjit Singh son of Tarsem Singh, All residents of H.No. 1147/8, Masit Wali Gali, Putli Ghar, Amritsar, who have been arrayed as accused in the present FIR.

ii. As per the statement of Investigating officer, none of the accused is declared proclaimed

person/offender.

iii. As per statement of investigation officer, neither the accused have been convicted nor are the accused involved in any other case.

iv. In view of the statements got recorded by the parties, this Court is satisfied that the compromise effected between them is genuine, voluntary and without any coercion or undue influence.

v. As per statement of investigation officer, Jagdeep Kaur is only affected person in the instant FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.3 on 30.08.2014 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of petitioner No.1 and respondent No.3 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 02.07.2021 passed by the learned Family Court, Gurdaspur. The entire claim of respondent No.3 for permanent alimony and articles of *istridhan* have been settled 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.34 dated 22.06.2015 under Sections 498-A and 406 IPC registered at Police Station Kalanaur, District Gurdaspur and all the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

12.10.2022
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(VIVEK PURI)
JUDGE

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