

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42049-2021
Date of Decision: 05.04.2022

KARMPAL SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. F.S.Virk, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. G.S.Salara, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 70 dated 01.12.2020 registered under Sections 406/498-A Indian Penal Code at Police Women Cell, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 07.12.2021 notice of motion was issued and the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the order dated 07.12.2021, learned Judicial Magistrate First Class, Patiala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1) As per the statement of Investigating Officer only Karampal Singh has been arrayed as accused.

- 2) As per the statement of Investigating Officer, neither accused of the present case has been declared as proclaimed offender/person nor any proclamation proceedings are pending against him.
- 3) From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.
- 4) As per the statement of Investigating Officer as per record of Police Station Women, Patiala accused is not involved in any other case.
- 5) As per statement of Investigating Officer only Roma Devi is victim/complainant in the present FIR.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements at the stage of first motion have been recorded. No other litigation is pending against the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-3). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 70 dated 01.12.2020 registered under Sections 406/498-A Indian Penal Code at Police Women Cell, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioner.

05.04.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No