

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38847-2020
Date of Decision: 24.05.2022

PARDEEP PAL SINGH AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Vishal Nehra, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 130 dated 18.09.2020 under Sections 498-A and 406 IPC registered at Police Station Fattu DHINGA, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise.

On 25.11.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 25.11.2020, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In pursuance of aforesaid order, both the parties i.e. petitioners/accused namely Pardeep Pal Singh son of Didar Singh, Didar Singh son of Amar Singh and Kulwinder Kaur wife of Didar Singh, all residents of village Hamja, Tehsil Dasuya, District Hoshiarpur, as well as respondent/complainant namely Mandeep Kaur wife of Pardeep Pal Singh, daughter of

Late Sh. Sham Singh, resident of village Fattudhinga, PS Fattudhinga, District Kapurthala, appeared in the Court and got recorded their respective statements before the undersigned with regard to compromise of the matter in the above said criminal miscellaneous.

(i) In the light of statements suffered by both the parties, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(ii) As per statement of investigating officer, three persons namely Pardeep Pal Singh son of Didar Singh, Didar Singh son of Amar Singh and Kulwinder Kaur wife of Didar Singh, all residents of village Hamja, Tehsil Dasuya, District Hoshiarpur, have been arrayed as accused in the present FIR.

(iii) As per statement of investigating officer, none of the petitioners/accused have been declared proclaimed offender in the present case nor any proceedings for declaring them as PO is pending.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise/agreement contained at Annexure P-2. Petitioner No.1 and respondent No.2 are happily residing together in the matrimonial house.

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. 130 dated 18.09.2020 under Sections 498-A and 406 IPC registered at Police Station Fattu DHINGA, District Kapurthala and all the consequential 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.

24.05.2022
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(VIVEK PURI)
JUDGE

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