

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39540-2022
Date of Decision: 30.11.2022

ISHWAR SINGH AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.K.Singla, Advocate for the petitioners.

Mr. Amit Shukla, AAG Punjab.

Mr. Dinesh Kumar, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 001 dated 02.01.2021, under sections 406, 498-A IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 01.09.2022, 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 01.09.2022, learned Sub Divisional Judicial Magistrate, Amloh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“a) As per FIR and statement of ASI Gurbhej Singh, there are two accused in this case namely Ishwar Singh and Sukhwinder Kaur.

b) As per statement of ASI Gurbhej Singh, none of the accused involved in this case has been declared proclaimed offender in this case.

c).The compromise effected between the parties appear to be genuine and voluntary being result of their free will.

d) As per statement of ASI Gurbhej Singh Investigating Officer, the accused persons are not involved in any other case.

e) As per statement of ASI Gurbhej Singh Investigating Officer, Gurjeet Kaur is the only victim/complainant in the present case/FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.01.2019 but no child has been born from the wedlock. Initially, the names of other relatives were also mentioned in the complaint but the FIR has been registered and challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved under Section 13-B of Hindu Marriage Act by a decree of divorce by mutual consent in terms of the judgment and decree dated 04.08.2021 passed by the Court of learned Principal Judge, Family Court, Fatehgarh Sahib, Camp at Amloh. A sum of Rs. 9 Lakhs has been paid to respondent No.2 on account of permanent alimony. No other case is pending between 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-2). 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. 001 dated 02.01.2021, under sections 406, 498-A IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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