

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33593-2019

Date of Decision: 31.03.2022

GURDEEP SINGH AND OTHERS ... PETITIONERS
VS.

STATE OF PUNJAB AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepak Gupta, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Vikas Garg, Advocate
for respondents No. 2 and 3.

VIVEK PURI, J.(ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.47 dated 29.09.2018 under Section 498-A IPC registered at Police Station Women Cell, Bathinda on the basis of compromise.

On 05.01.2022, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 05.01.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bathinda has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In view of statements given by the parties and ASI Tasvir Singh following report is hereby submitted as desired by your's goodself:-

1. It is respectfully submitted that as per record there are three accused persons namely Gurdeep Singh, Gursewak Singh and Gurmail Kaur in the present FIR No. 47 dated 29.09.2018 under

section 498A of Indian Penal Code, Police Station Women Cell, Bathinda.

- 2. As per record, no accused has been declared proclaimed offender.*
- 3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.*
- 4. It is further submitted that as per statement of ASI Tasvir Singh, accused have not involved in any other case.*
- 5. It is further submitted that statement of Investigating officer namely ASI Tasvir Singh recorded and as per record and statement of investigating officer, there is one complainant namely Jaskaran Singh and one victim namely Kuldwinder Kaur in the present FIR.”*

Learned counsel for the petitioners contend that marriage of petitioner No.1 with respondent No.3 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The custody of minor child shall remain with respondent No.3 and she has been paid the amount of permanent alimony.

Learned counsel for respondents No.2 and 3 has not disputed the aforesaid factual aspect(s) and has 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.47 dated 29.09.2018 under Section 498-A IPC registered at Police Station Women Cell, Bathinda and all the subsequent 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.

31.03.2022
smriti

(VIVEK PURI)
JUDGE

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