

**258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33626-2019

Date of decision: 07.12.2022

RAVINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. Aazam Khan, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Petitioners has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.03 dated 05.01.2019 under Sections 325/323/34/406/498-A IPC, registered at Police Station Rangar Nangal Batala, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.08.2019, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 20.08.2019, learned Sub Divisional Judicial Magistrate, Batala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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

ii. As per the statement of Investigating Officer, there are three accused namely Ravinder Singh son of Sukhwinder Singh, Sukhwinder Singh son of Fauja Singh and Kulwant Kaur wife of Sukhwinder Singh all residents of village Basaarpura, Tehsil Batala, District Gurdaspur and except the aforesaid accused no other person is arrayed as accused in this case.

iii. As per the statement of Investigating Officer, there is only one complainant/victim in the present FIR namely Jatinder Kaur wife of Ravinder Singh daughter of Balwinder Singh in the present FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 about 06 years prior to the registration of the FIR and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 16.08.2019 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 is along with the minor children is happily residing in the matrimonial house with petitioner No.1.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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.03 dated 05.01.2019 under Sections 325/323/34/406/498-A IPC, registered at Police Station Rangar Nangal Batala, District Gurdaspur and all the consequential 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.

07.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No