

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

**CRM-M-45162-2021
Date of decision: 26.05.2022**

**AMAN JEET SINGH AND ANR. ...PETITIONERS
VERSUS
STATE OF PUNJAB AND ANR. ...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jaswinder Singh Grewal, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Akshay, Advocate for
Mr. Rahul Jaiswal, Advocate for respondent No.2.

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. 5 dated 10.07.2018 under Sections 406/498-A IPC, 1860, registered at Police Station NRI, S.B.S. Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.02.2022, 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 15.02.2022, learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “1. There are two accused arrayed in the FIR namely Aman Jeet Singh and Balwinder Singh.*
- 2. As per the statement of the I.O as well the complainant, none of the accused is proclaimed offender.*
- 3. From the above statements of complainant Harwinder Kaur and accused Balwinder Singh (also special power of attorney of accused Aman Jeete Singh), this court is of the view that compromise is genuine, voluntary and without any coercion and undue influence.*
- 4. As per the above statements of I.O as well as complainant Harwinder Kaur, the accused persons are not involved in any other case.*
- 5. As per statement of the I.O, there is only one victim/complainant in the present FIR namely Harwiner Kaur (respondent No.2 before the Hon’ble High Court). ”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 07.09.2021 (Annexure P-2). The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 08.04.2022 passed by the Court of learned Principal Judge, Family Court, Rupnagar. No other case is pending between the parties.

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.5 dated 10.07.2018 under Sections 406/498-A IPC, 1860, registered at Police Station NRI, S.B.S. Nagar 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.

26.05.2022
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(VIVEK PURI)
JUDGE

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