

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41321-2022

Date of Decision: 29.11.2022

KULWINDER SINGH @ KULWINDER SAINI ... PETITIONER
VS.
U.T.CHANDIGARH ADN ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Davinder Singh Khurana, Advocate
for the petitioner.

Mr. Ankur Bali, Additional P.P. for U.T.Chandigarh.

Mr. R.P.Daaria, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No. 73 dated 16.05.2019 under Sections 406 and 498-A IPC registered at Women Police Station District Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise.

On 09.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 09.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It appears from the statement of complainant and accused Kulwinder Singh @ Kulwinder Saini that the compromise has been with their consent and without any pressure, threat or coercion. It is further submitted that the FIR was registered against Kulwinder Singh @

Kulwinder Saini under Section 406, 498-A of IPC. This court, after hearing the parties in person along with their counsel and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the complainant as well as accused Kulwinder Singh @ Kulwinder Saini are not the result of any pressure and coercion. Copy of statements suffered by the parties i.e. complainant Harvinder Kaur and accused Kulwinder Singh @ Kulwinder Saini.

IO Retired Inspector Balbir Singh appeared on 15.10.2022 and got recorded his statement that accused Kulwinder Singh @ Kulwinder Saini is not PO in any case/FIR in the Chandigarh till date. In the present FIR/case is one accused namely Kulwinder Singh @ Kulwinder Saini has been arraigned. ”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 16.01.2017 but no child has been born from the wedlock and it was second marriage of both the parties. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre, District Court, Chandigarh in terms of the compromise/settlement deed contained at Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the District Court, Chandigarh, wherein statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of

Rs.4,50,000/- to respondent No.2 and no other case is pending between the parties.

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. 73 dated 16.05.2019 under Sections 406 and 498-A IPC registered at Women Police Station District Chandigarh and all the subsequent proceedings arising therefrom on the basis of compromise are

ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant
petition stands allowed.

29.11.2022
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(VIVEK PURI)
JUDGE

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