

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

**CRM-M-46131-2021
Date of decision: 12.10.2022**

KULWINDER SINGH **...PETITIONER**
VERSUS
STATE OF PUNJAB AND ANR. **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Sidhu, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. J.S.Dosanjh, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.45 dated 24.12.2020 under Section 498-A IPC, registered at Women Police Station, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.11.2021, 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 22.11.2021, learned Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. It is respectfully submitted that there is only one accused named Kulwinder Singh in the present FIR no.45 dated 24.12.2020 under Section 498-A Indian

Penal Code, Police Station Women Cell.

2. *It is further submitted that as per record, no accused has been declared proclaimed offender.*

3. *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. *As per record and statement of investigating officer, the accused has not been involved in any other case.*

5. *As per record and statement of investigating officer, there is one complainant/victim namely Beant Kaur.”*

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 31.03.2014 and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 22.10.2021 (Annexure P-2). Petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with both the minor children is happily residing in the matrimonial house with the petitioner. 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.45 dated 24.12.2020 under Section 498-A IPC, registered at Women Police Station, District Bathinda and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

12.10.2022
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(VIVEK PURI)
JUDGE

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