

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41155-2020
Date of Decision: 05.04.2022

SANDEEP SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Singla, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Deepanshu Sodhi, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 69 dated 01.12.2018 registered under Sections 498-A, 34 Indian Penal Code at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 09.12.2020 notice of motion was issued and the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 09.12.2020, learned Judicial Magistrate First Class, Bathinda has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. There are four accused namely Sandeep

Singh, Harjeet Singh, Nachhattar Singh, Sukhpal Kaur and one complainant namely Rajveer Kaur. Compromise has been effected between all accused & complainant. 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.

2. Statement of ASI Bhola Singh, investigating officer recorded separately and as per his statement, there are total four accused namely Sandeep Singh, Harjeet Singh, Nachhattar Singh and Sukhpal Kaur in the abovesaid FIR who are petitioners in the CRM-M-41155-2020.

3. As per his statement, there is only one complainant/aggrieved party namely Rajveer Kaur.

4. No person/accused has been declared proclaimed offender and except this no other case is pending against the abovesaid persons.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 are blessed with a daughter and they are now happily residing together.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No.69 dated 01.12.2018 registered under Sections 498-A, 34 Indian Penal Code at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners.

05.04.2022

Janki

(VIVEK PURI)
JUDGE

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