

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

**CRM-14790-2022 in/and
CRM-M-46527-2021
Date of Decision: 02.05.2022**

SUKHWINDER SINGH ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Saurav Bhatia, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Raman Preet Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

CRM-14790-2022

Through present application, the applicant/petitioner is seeking preponement of date of hearing in the main case.

It has been stated that now the main case has been adjourned for 28.09.2022. It has been further stated that the matter has been amicably settled between the parties.

Notice in the application.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Raman Preet Singh, Advocate, also accepts notice on behalf of respondent No. 2.

By recording no objection from the learned State counsel as well as counsel for respondent No. 2, the main petition is taken up on Board today itself.

Application is disposed of.

CRM-M-46527-2021

Through instant petition, the petitioner is seeking to quash the FIR No.07 dated 23.07.2020 under Section 498-A IPC registered at Police Station NRI, District Shaheed Bhagat Singh Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.11.2021, the parties were directed to get their statements recorded before the learned trial Court.

In compliance of the order dated 22.11.2021, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) Accused Sukhwinder Singh son of Shamjinder Singh was arraigned as accused in the present case. There is no other accused except accused Sukhwinder Singh, against whom the present FIR was registered.

(ii) In the present case, no accused has been declared as proclaimed offender.

(iii) On the basis of statements suffered before this Court by the parties through their attorneys today, this Court is of the considered view that the compromise entered between the parties i.e., first informant Kulveer Kaur and accused Sukhwinder Singh is genuine, voluntary and without any coercion or undue influence.

(iv) The accused is not involved in any other FIR, as per statements of the parties and the IO.

(v) As per the statement recorded by IO/ASI Surjit Ram before this Court, victim/complainant of the present case is Kulveer Kaur, who is the only victim in the present case.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-3. The petitioner and respondent No.2 are happily residing together in the matrimonial house.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has 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.07 dated 23.07.2020 under Section 498-A IPC registered at Police Station NRI, District Shaheed Bhagat Singh Nagar 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.

02.05.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No