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

**CRM-M-50686-2021 (O&M)
Date of Decision: 10.01.2022**

Baljinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Inder Pal Singh, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. M.K. Dhot, Advocate,
for respondent No.2.

VIVEK PURI J. (ORAL)

The matter has been taken up through Video Conferencing due to Covid-19 pandemic.

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.146, dated 20.12.2016, under Section 498-A of the IPC, registered at Police Station Anandpur Sahib, District Rupnagar, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 20.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate. In compliance of the order dated 20.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sri Anandpur Sahib, has sent

the report to the following effect:-

“..... So, from the statements of the parties, Investigating Officer as noted above and from the report of Ahlmad, the report is submitted as follows:-

- 1. There are only three persons namely Baljinder Singh, Bhim Singh and Manjit Kaur arrayed as accused in FIR;*
- 2. None of the accused is proclaimed offender nor any P.O. Proceedings are pending before this Court;*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. The accused persons are not involved in any other FIR;*
- 5. As per statement of Investigating Officer, complainant Chanpreet Kaur is the only victim in the present FIR and all the victim/complainant as well as accused are party to the compromise in question.....”*

Learned counsel for the petitioners states that the matrimonial dispute has been amicably settled between the parties and a petition under Section 13(B) of the Hindu Marriage Act for dissolution of marriage by mutual consent will be filed by the petitioner No.1 and the respondent No.2.

Learned counsel for respondent No.2 has not assailed the aforesaid factual aspects of the matter.

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.

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.146, dated 20.12.2016, under Section 498-A of the IPC, registered at Police Station Anandpur Sahib, District Rupnagar, and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition along with the pending applications, if any, stand allowed.

10.01.2022

Apurva

(VIVEK PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No