

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51874-2021

Date of Decision: 01.08.2022.

GURJANT SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. M.K.Bhatnagar, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Pankaj Shukla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No. 0025 dated 07.02.2019 under Sections 406 and 498-A IPC registered at Police Station Kharar, District SAS Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 28.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class, Kharar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) There is one person arrayed as accused in the present FIR.

(ii) No accused has been declared Proclaimed offender.

(iii) From statement of above persons, ex-facie, it transpire that the compromise is genuine,

voluntarily and out of free will of the parties qua complainant and accused.

(iv) The accused is not involved in any other case.

(v) There is one victim/complainant in the present FIR.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. Respondent No.2 alongwith minor children are happily residing with the petitioner in the matrimonial house.

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. 0025 dated 07.02.2019 under Sections 406 and 498-A IPC registered at Police Station Kharar, District SAS 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.

01.08.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No