

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41450-2019
Date of Decision: 12.10.2022

AVTAR SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF U.T. CHANDIGARH AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Sandhir, Advocate for the petitioners.

Ms. Vasundhara Dalal, Addl. P.P. for U.T.Chandigarh.

Mr. Barjesh Sharma, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 447 dated 27.10.2014 under Sections 406 and 498-A IPC registered at Police Station Sector-39, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 08.04.2022, 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 08.04.2022, learned Judicial Magistrate Ist Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

1.	Number of persons arraigned as accused in the FIR	Three persons namely Avtar Singh, Harjit Kaur and Major Singh, out of which accused Major Singh has died on 27.04.2019 and proceedings against him were abated vide order of the undersigned dated 05.05.2022.
2.	Whether any accused is proclaimed offender.	No, as per the statement of Investigating Officer.
3.	Whether the compromise is genuine, voluntary and without any coercion or undue influence.	Yes, the compromise so arrived at between the parties is genuine, voluntary and without any coercion or undue influence.
4.	Whether the accused persons are involved in any other case or not.	As per the statement of Investigating Officer, no other investigation is pending against the accused persons.
5.	How many victims/complainants are there in the FIR.	As per the statement of Investigating Officer, there is only one complainant namely Simarjeet Kaur, daughter of late Sh. Swaran Singh and one eye witness in the present case. Smt. Gurdeep Kaur appearing as SPA of complainant Simarjeet Kaur and gave her statement.

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 01.04.2011 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 14.09.2019, Annexure P-2. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act by mutual consent in terms of the judgment and decree dated 20.07.2022 passed by the Court of learned Addl. District Judge, Chandigarh. The respondent No.2 has withdrawn the execution

proceedings emanating from the order passed under Section 125 Cr.P.C. and also defamation case. A sum of Rs. 13,90,000/- has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

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.447

dated 27.10.2014 under Sections 406 and 498-A IPC registered at Police Station Sector-39, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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