

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41530-2019
Date of Decision: 23.09.2022

HARDEEP SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Baljinder Singh, Advocate for
Mr. R.S.Dadwal, 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.103 dated 08.12.2013 registered under Sections 406, 498-A, 323 of the Indian Penal Code at Police Station Women Cell, District Jalandhar City all the consequential proceedings arising therefrom, on the basis of Settlement (Annexure P-2).

On 26.09.2019, 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 26.09.2019, learned Judicial

Magistrate Ist Class, Jalandhar has recorded the statements of the parties

and submitted the report, the relevant portion whereof reads as under:-

“In compliance to the order dated 24.02.2020 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that in view of the statements got recorded by the parties, this court is satisfied that the compromise effected between them is genuine one, which is not the result of any pressure or coercion and the settlement effected between them is not having any adverse affect upon the rights of any third party.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 03.04.2013 but no child has been born from the wedlock. Although, the allegations were levelled against the other family members but the FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 12.03.2020 passed by the Court of learned Family Court, Jalandhar. A sum of Rs. 4,80,000/- 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 Settlement (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. 103 dated 08.12.2013 registered under Sections 406, 498-A, 323 of the Indian Penal Code at Police Station Women Cell, District Jalandhar City and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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