

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-52827-2021

Date of Decision: 22.02.2022

AMARINDER SNGH MANN AND ANOTHER... PETITIONERS  
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Inderjit Sharma, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

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

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**VIVEK PURI, J.(ORAL)**

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.0052 dated 21.07.2021 under Sections 406 and 498-A IPC registered at Women Police Station, District Patiala on the basis of compromise.

On 17.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 17.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Patiala has sent the report. The relevant paragraph(s) of the same is reproduced here-in-below:-

*“Further trial Court is to submit a report containing the following information:-*

- i) As per the record, there are two persons namely Bhupinder Singh Mann and Amarinder Singh Mann arrayed as accused in present FIR.*

*ii) As per the record and the statement suffered by the HC Mandar Singh none of the accused has been declared as proclaimed offender.*

*iii) From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion, or undue influence and out of free will of the parties.*

*iv) As per the statement of Investigating Officer of concerned police station there is no other criminal case pending against the accused persons except the above said FIR.*

*v) As per the statement of Investigating Officer only Manmeet Kaur is victim/complainant in the present FIR.*

*From the statements, it appears that compromise has been effected between the parties without any pressure and with their free will.”*

Learned counsel for the petitioners contends that matrimonial dispute has been amicably settled between the parties. The compromise has been effected during the course of mediation at Patiala and the settlement agreement is Annexure P-2. In pursuance of the amicable settlement, petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded.

Learned counsel for respondent No.2 has admitted 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.

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.0052 dated 21.07.2021 under Sections 406 and 498-A IPC registered at Women Police Station, District Patiala on the basis of compromise and all consequential 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 stands allowed.

22.02.2022  
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(VIVEK PURI)  
JUDGE

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether Reportable        | : Yes/No |