

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53813-2021
Date of Decision: 30.03.2022

HARPREET SINGH CHAHAL AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.S.Virk, Advocate for the petitioners.
Mr. Sidakmeet Singh Sandhu, AAG Punjab.
Mr. A.S.Brar, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0008 dated 27.02.2019, under Sections 498-A, 406 of IPC, registered at Police Station Women Bathinda, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 22.12.2021 notice of motion was issued and 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 22.12.2021, learned Judicial Magistrate First Class, Talwandi Sabo has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“2. It is submitted that both the parties appeared before this Court on 21.01.2022 and statements of petitioners/accused Harpreet Singh Chahal son of Surjit Singh, Surjit Singh son of Mehnga Singh and Simarjit Kaur wife of Surjit Singh, all residents of MCB-Z-8-00289/001, Silver

City Colony, Mansa Road, Bathinda, Tehsil and District Bathinda and respondent No.2 Veerpal Kaur, aged about 30 years, wife of Harpreet Singh and daughter of Hardial Singh, now resident of Bangi Raod, Near Star Plus Convent School, Kamlu Wali Dhani, Raman Mandi, Tehsil Talwandi Sabo, District Bathinda, have been recorded. Both the parties stated that the matter has been compromised between the parties voluntarily and without any threat, coercion or undue influence. They further stated that the present FIR may kindly be quashed on the basis of the compromise. Statement of Investigation Officer ASI Tasvir Singh, No.507/BTI, P.S.Women Cell, Bathinda has also been recorded.

3. It is submitted that as per statement of Investigating Officer and as per record, there are only three accused in the present FIR, who are the petitioners in the present petition. No other person is involved in the present FIR except about said accused/petitioners nor any accused has been declared proclaimed offender in the present FIR. Veerpal Kaur is only complainant/victim in the present FIR. Investigating Officer further stated that as per record of Police Station, accused/petitioners are not involved in any other criminal case.

4. It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure. ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 25.11.2021 passed by the Addl. District Judge, Bathinda. The amount of permanent alimony has been paid to respondent No.2. She has withdrawn the complaint instituted by her under Protection of Women from Domestic Violence Act.

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. 0008 dated 27.02.2019, under Sections 498-A, 406 of IPC, registered at Police Station Women Bathinda, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners.

30.03.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No