

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53630-2021

Date of Decision: 01.04.2022

SUKHWINDER SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ramneet Kaur Nijjar, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Mohit Giri, Advocate for respondent No.2.

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.85 dated 11.07.2021 under Section 498-A IPC registered at Police Station City, Balachaur, District SBS Nagar on the basis of compromise.

On 22.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 22.12.2021, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Balachaur, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance of the said directions passed by the Hon'ble Punjab and Haryana High Court, complainant Ruchika Rana along with accused Sukhwinder Singh, Harbhajan Singh and Jaswant Kaur appeared before this court on 24.01.2022 and got recorded their statements with regard to the

compromise effected between them. Statements of complainant Ruchika Rana along with accused Sukhwinder Singh, Harbhajan Singh and Jaswant Kaur were recorded.

It is submitted that in this case FIR was registered on the statement of complainant Ruchika on 11.07.2021 under Section 498- of IPC, P.S.City Balachaur. However, with the intervention of the respectable persons a compromise was effected between them. Statements of the complainant and accused have been recorded separately regarding the compromise. Statement of the complainant Ruchika Rana has also been recorded to that effect. ASI Lakhvir Kumar who investigated the case suffered a statement that in this case the FIR was registered on the statement of complainant Ruchika against the accused Sukhwinder Singh, Harbhajan Singh and Jaswant Kaur. He further stated that none of the accused in this case is declared as Proclaimed offender and complainant is the only victim in this case. It is also submitted by I.O. that none of the accused is involved in any other case.

As per the statements so got recorded by both sides, it reveals that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. Complainant and accused have been identified by his respective counsel.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.1 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, statements of the parties at

the stage of first motion have been recorded. The amount of permanent alimony shall be paid as per terms of compromise and no other litigation is pending between the parties.

Learned counsel for respondent No.2 has not disputed 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.

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.85 dated 11.07.2021 under Section 498-A IPC registered at Police Station City, Balachaur, District SBS 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.

01.04.2022
smriti

(VIVEK PURI)
JUDGE

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