

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53641-2021

Date of Decision: 24.11.2022.

SATKAR SINGH AND ORS.

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.S.Bhandari, Advocate, for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. T.P.S.Tung, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.33 dated 21.02.2021 under Sections 406 and 498-A IPC registered at Police Station Civil Lines, Batala, District Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise.

On 15.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 15.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Batala, has sent the report and the relevant portion whereof reads as under:-

“1) Before recording statement of complainant/victim/aggrieved namely Navdeep Kaur, her identification has been ensured through her counsel as well as Adhaar Card Exhibit C1.

2) Navdeep kaur is the only victim/aggrieved in this case and she has consented for compromise effected vide settlement deed Exhibit CX.

3) Before recording her statement, it was also ensured that there is no coercion, threat or pressure upon her

from any corner.

4) *Section 498A and 406 Indian Penal Code are invoked in this case.*

After going through the statements of the parties, this Court is satisfied that complainant-Navdeep Kaur has effected the compromise with the above named accused with her own will and without any coercion or pressure from any corner and same is found genuine.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 and respondent No.2 was solemnized on 25.10.2015, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise effected in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the settlement agreement. The marriage of petitioner No.1 and 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 29.09.2022 passed by the Court of learned Additional District Judge, Chandigarh. A sum of Rs.13 lac has been paid to respondent No.2 on account of permanent alimony and another sum of Rs.2 lac has been paid towards the price of gold ornaments. No other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.33 dated 21.02.2021 under Sections 406 and 498-A IPC registered at Police Station Civil Lines, Batala, District Gurdaspur and all the 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.

24.11.2022
smriti

(VIVEK PURI)
JUDGE

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