

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-148-2022

Date of Decision: 19.04.2022

LAKHWINDER SINGH AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Yashjot S. Dhaliwal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. U.S.Mann, Advocate for
Mr. Veer Vikram Singh Mann, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.331 dated 16.10.2020 under Sections 406 and 498-A IPC registered at Police Station Sohana, SAS Nagar on the basis of compromise.

On 07.01.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate.

In compliance of the order dated 07.01.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, SAS Nagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“By considering the statements of complainant Manpreet Kaur, accused Lakhwinder Singh and Kulwant Singh, and ASI Satpal Singh, the requisite point wise report is as under:

(i) Total two accused namely Lakhwinder Singh and Kulwant Singh are arrayed as accused

in the present FIR.

(ii) None of the accused is proclaimed offender.

(iii) The compromise between the complainant and accused is genuine, voluntary and without any coercion or undue influence.

(iv) The accused are not involved in any other case.

(v) There is only one victim/complainant namely Manpreet Kaur in the present FIR.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 alongwith minor daughter are now happily residing together in the matrimonial home. The other cases between the parties have been withdrawn.

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.331 dated 16.10.2020 under Sections 406 and 498-A IPC registered at Police Station Sohana, SAS Nagar is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

19.04.2022
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(VIVEK PURI)
JUDGE

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