

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-7829-2023
Date of Decision:20.07.2023**

SIMRANJIT SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Ms. Aayushi Jindal, Advocate for
Mr. Ankit Kharbanda, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 84 dated 26.10.2021 registered under Sections 323, 406, 498-A IPC at Police Station Women Cell, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexures P-2 & P-3).
2. On 14.02.2023, 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.
3. In compliance of the order dated 14.02.2023, learned Judicial Magistrate First Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) I have the honour to submit that in compliance of

order dated 14.02.2023, passed by Hon'ble High Court in CRM-M-7829-2023, statement of accused Simranjit Singh, Surinder Kaur and Manpreet Singh have been recorded in FIR No. 84 dated 26 10.2021 PS. Women Cell, Amritsar before Court of Ms. Tushar Kaur Thind, JMIC, Amritsar (Duty Magistrate). As per their statement, they have effected the compromise with the complainant Harmanjit Kaur without any misrepresentation, threat, coercion or duress.

2. Statement of the complainant Harmanjit Kaur has also recorded before Duty Magistrate wherein she stated that compromise has been effected with the accused Simranjit Singh, Surinder Kaur and Manpreet Singh voluntarily and without any misrepresentation, threat, coercion or duress.

3. Statement of investigating officer ASI/Avtar Singh -No. 2931, presently posted at P.S.Women Cell, Amritsar has also been recorded to the effect that FIR was registered by Harmanjit Kaur, complainant/ victim against the above said accused persons. The challan in the present case has already been presented on 24.08.2022 and the said case is fixed for notice to all accused for 17.08.2023. The nature of injury so suffered by complainant is simple in nature. No other FIR has been registered against the above said accused persons. The accused Surinder Kaur, Manpreet Singh were granted bail by the court of Ms. Kamal Varinder, the then Ld. ADSJ Amritsar and accused Simranjit Singh was granted by bail from the Hon'ble High Court vide order dated 21.04.2022

4. Kindly find enclosed herewith photocopies of statement of the accused, photo copy of his aadhar card and photocopy of statement of IO/ ASI Avtar Singh-2931, presently posted at P.S. Women Cell, Amritsar.

5. The undersigned is of view that the compromise has been effected between the parties and the statements were made before the Duty Magistrate without any threat and misrepresentation as explicit from their statement.”

4. Learned counsel for the petitioners contends that the marriage of the petitioner No.1 was solemnized with respondent No.2 on 11.10.2021 and no child was born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise(Annexures P-2 & P-3). The marriage of the petitioner No.1 and respondent No.2 has been dissolved by a

decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 13.07.2023 passed by the learned Family Court, Amritsar. The petitioner No.1 has paid a sum of Rs.12 lakhs to the respondent No.2 on account of full and final settlement of her claim for permanent alimony. The respondent No.2 has also received all her articles of Istridhan and nothing is due payable to her by the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. 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 (Annexures P-2 & P-3). 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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offenses 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.

8. 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***.

9. Accordingly, the present petition is allowed and FIR No. 84 dated

CRM-M-7829-2023

26.10.2021 registered under Sections 323, 406, 498-A IPC at Police Station Women Cell, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

(VIVEK PURI)
JUDGE

20.07.2023
P.Bhatt

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*