

-1-

**CRM-43472-2023 in/and
CRM-M-8076-2023
Date of Decision: 17.10.2023**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Amit Gupta, Advocate for
Mr. J.S.Jaidka, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Board today itself.

7. Application is disposed of.

CRM-M-8076-2023

8. The petitioners are seeking to quash the FIR No.0029 dated 15.10.2020 under Sections 420/498-A/120-B IPC (Section 406 IPC has been added later on) registered at Police Station City P.S.NRI, District Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

9. On 18.05.2023, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.

10. In compliance of the order dated 18.05.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“After going through the statements of the parties and after examining them this Court is satisfied that the compromise has been executed by the parties by their own volition and without any threat or pressure from any quarter. Apparently, the case has been arisen out of a matrimonial dispute between the complainant Maninder Kaur Panjeta and accused Maninder Singh, both of whom are residing abroad but have compromised the matter through their respective attorneys and have agreed for divorce by mutual consent. From the demeanor of the parties as well, the compromise between parties appears to be genuine. Further, statement of Investigating Officer, ASI Amrik Singh, No.2315/LDH, PS NRI, Ludhiana has also been recorded. As such, the point wise report is as under:

1. Whether there is any other accused, apart from the petitioners arrayed in this petition?

A. It is respectfully submitted that as per main file and report of police under section 173 Cr.P.C., instant case was registered at the instance of complainant against three accused namely Narinder Singh, Jaswant Kaur and Maninder

Singh. It must be highlighted here that challan has already been presented against the accused Narinder Singh and Jaswant Kaur so far whereas accused Maninder Singh is yet to be arrested being residence of Newzealand. Compromise has however been effected with Maninder Singh as well through his father/atorney Narinder Singh.

2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition?

A: In this regard, it is respectfully submitted that as per statement of investigating officer and main file, besides the complainant Maninder Kaur Panjetta, there is no another complainant/affected/aggrieved party in the present FIR.

3. Whether the parties are involved in any other criminal case?

A: As per the statement of ASI Amrik Singh (Investigating Officer), no other criminal case is pending against any accused person/party.

4. Whether any of parties has been declared a proclaimed offender?

A: In this regard, it is respectfully submitted that as per statement of investigating officer and main file, none of the accused person is declared as proclaimed person in this FIR so far. ”

11. Learned counsel for the petitioners contend that the marriage of petitioner No.3 was solemnized with respondent No.2 on 12.02.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. Although, the FIR was registered at the instance of Ram Singh, the father of respondent No.2 and he has not been impleaded as a party but the statement of respondent No.2 has been recorded in the trial Court through Ram Singh, her father and attorney, who has specifically and categorically admitted the fact of compromise. The marriage of petitioner No.3 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 judgment

and decree dated 02.09.2023 passed by the learned Family Court, Ludhiana.

A sum of Rs.6,50,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istrydhan and no other case is pending between the parties.

12. Learned counsel appearing 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.

13. 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.

14. 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.

15. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

16. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the

2023:PHHC:135412
CRM-43472-2023 in/and
CRM-M-8076-2023

-5-

ends of justice, FIR No.0029 dated 15.10.2020 under Sections 420/498-A/120-B IPC (Section 406 IPC has been added later on) registered at Police Station City P.S.NRI, District Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

17.10.2023
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(VIVEK PURI)
JUDGE

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