

2023:PHHC:132125

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

**CRM-M-10232-2023
Date of decision: 10.10.2023**

PRITPAL SINGH AND OTHERS**...PETITIONERS****VERSUS****STATE OF PUNJAB AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Lalit Attri, Advocate for
Mr. Sunil Kumar Sharma, Advocate
for the petitioners.

Mr. Hitten Nehra, Addl. A.G., Punjab.

Mr. Amit Sheoran, Advocate
for respondent No. 2.

VIVEK PURI, J. (ORAL)

1. Petitioners are seeking to quash the FIR No. 089 dated 27.03.2022 under Sections 323, 406, 498-A IPC, registered at Police Station City Kharar, SAS Nagar (Mohali) (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 30.09.2022 (Annexure P-2).
2. On 16.05.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 16.05.2023, learned Judicial

Magistrate 1st Class, Kharar (Duty) has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Thereafter on 03.08.2023, I.O. ASI Satinder Singh appeared before this Court and got his statement recorded to the effect that the complainant in this case is Meenu @ Meenu Bimra and the accused in this case are Pritpal Singh, Amar Singh and Harbans Kaur. There is no other accused in the FIR besides the accused/petitioners mentioned in the petition and the parties are not involved in or declared proclaimed offender in any other criminal case.

It is reported that the compromise is correct and has been effected voluntarily, without any pressure, coercion or undue influence. In these circumstances, it seems that genuine compromise has been effected between the parties.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No. 1 was solemnized with respondent No. 2 on 05.11.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2).

6. At present, respondent No. 2 is residing in her parental house and she will start residing with the petitioner No. 1 along with her minor son immediately on purchase of house/flat in Kharar Area as provided in the settlement/agreement in the Mediation and Conciliation Centre, SAS Nagar.

7. After hearing the 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.

8. 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.

9. 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***.

10. 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. 089 dated 27.03.2022 under Sections 323, 406, 498-A IPC, registered at Police Station City Kharar, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

10.10.2023

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(VIVEK PURI)
JUDGE

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