

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-10430-2023 (O&M)

Date of decision: 11.10.2023

PRABHJOT SINGH ALIAS SUNNY

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.P.S. Aulakh, Advocate for the petitioner.

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

Mr. Amandeep Singh Sidhu, Advocate
for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0106 dated 23.04.2021 under Sections 406 and 498-A IPC, registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 28.02.2023, 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.

4. In compliance of the order dated 28.02.2023, learned Chief Judicial Magistrate, Kapurthala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ So in this way, on the basis of the statements made by
both the parties and the Investigation officer it has become crystal

clear that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further the point wise information as requisitioned is as under

- 1) As per statement of Investigation officer there is only one accused namely Prabhjot Singh S/o Davinder Singh arrayed in the FIR.
- 2) As per statement of Investigation officer there is only one complainant or affected/aggrieved party namely Gurpreet Kaur D/o Gurcharan Singh Singh.
- 3) As per statement of Investigation officer parties are not involved in any other criminal Case.
- 4) As per statement of Investigation officer none of the parties has been declared proclaimed offender.”

5. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 on 26.10.2007 and a son and daughter have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.02.2023 (Annexure P-2). The petitioner has paid a sum of Rs.26,50,000/- to respondent No.2 on account of permanent alimony. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage for dissolution of marriage by mutual consent in terms of the judgment and decree dated 28.03.2023 passed by learned Family Court Kapurthala (Punjab). Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her. The custody of the minor children shall remain with respondent No.2 and no other case is pending between the parties.

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

7. 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 is 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***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. Accordingly, the present petition is allowed and FIR No. 0106 dated 23.04.2021 under Sections 406 and 498-A IPC, registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

(VIVEK PURI)
JUDGE

11.10.2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No