

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

CRM-M-11916-2023
Date of Decision: 08.08.2023

MANJINDER SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Naveen Siwach, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 181, dated 23.08.2017 registered under Sections 323, 406 and 498-A of Indian Penal Code at Police Station Goraya, District Jalandhar Rural and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 22.03.2023, passed by this Court, 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 aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Phillaur and

relevant portion of the same is reproduced below:

(1) It is stated by the investigating officer, that the present FIR was registered against accused persons namely (i) Manjinder Singh s/o Harmail Singh (ii) Harmail Singh s/o Parkash Singh (iii) Jaswinder Kaur w/o Harmail Singh all resident of Patti Manga Ki, Goraya, Tehsil Phillaur, District Jalandhar.

(2) As per statement of investigating officer there is only one complainant/injured/aggrieved in the present case, namely Sukhdeep Kaur d/o Kashmira Singh r/o Village Bhaini, Tehsil Philluar, District Jalandhar.

(3) It has been stated by the complainant that "I have got registered one FIR No. 181 dated 23.08.2017 Under Section 323, 406, 498-A IPC at PS Goraya against accused (i) Manjinder Singh s/o Harmail Singh (ii) Harmail Singh s/o Parkash Singh (iii) Jaswinder Kaur w/o Harmail Singh all resident of Patti Manga Ki, Goraya, Tehsil Phillaur, District Jalandhar. I have compromised the matter with all the accused persons. I have compromised the matter with my freewill and without any pressure. I have no objection if the present FIR against above mentioned accused persons is quashed and they are discharged/acquitted."

It has been stated by the accused persons that one FIR No.181 dated 23.08.2017 Under Section 323, 406, 498-A IPC at PS Goraya was got registered by complainant Sukhdeep Kaur d/o Kashmira Singh r/o Village Bhaini, Tehsil Philluar, District Jalandhar against them. They have entered into compromise with complainant Sukhdeep Kaur. They have compromised the matter with their own freewill and without any pressure.

I am satisfied that the compromise is genuine between the parties and the same is outcome of their own freewill and without any force, coercion or undue

influence.

(4) As per the statement of investigating officer, the accused persons are not involved in any other FIR.

(5) As per statement of investigating officer, none of the accused named in the FIR has been declared as proclaimed offender in this Court or any other case.

4. Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 25.12.2016 but no child has been born from the wedlock and the matrimonial dispute has been settled between the parties, in terms of the compromise (Annexure P-2). Marriage of 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 vide judgment and decree dated 26.05.2023 passed by learned Family Court, Jalandhar Camp at Phillaur. Petitioners have paid a sum of Rs. 12,50,000/- to respondent No. 2 on account of permanent alimony, the respondent No. 2 has received all the articles of *stree dhan* and no other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the 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. 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.

7. 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.

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. 181, dated 23.08.2017 registered under Sections 323, 406 and 498-A of Indian Penal Code at Police Station Goraya, District Jalandhar Rural and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

08.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No