

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

**CRM-M-14472-2023(O&M)
Date of decision:05.07.2023**

DARSHAN SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankush Bharti, Advocate for
Mr. K.K.Goel, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Naresh Chander, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Pritpal Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa on behalf of the respondent-State has been filed and the same is taken on record.
2. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.206 dated 23.12.2020 under Section 498-A IPC, registered at Police Station City Budhlada, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise.
3. On 10.04.2023, 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.
4. 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.

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Judicial Magistrate, Budhlada has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) The number of accused in the aforesaid FIR and to report whether any accused has been declared proclaimed offender or any such proceedings have been initiated or pending against them.

There are two accused, which are named as under;

i. Darshan Singh son of Karnail Singh, resident of village Bhodipura, Tehsil Phul, District Bathinda.

ii. Amandeep Singh son of Darshan Singh, resident of 5, Iperta Street, Queensland, Australia.

(Darshan Singh appeared for himself and Amandeep Singh accused, as he is special power of attorney holder of accused Amandeep Singh)

None of the accused is proclaimed offender in the present case nor any accused is absconding in the present case. Nor any proceedings have been initiated or pending against the above named accused.

As per the statement of IO, ASI Daljit Singh No.356/Mansa, it is submitted that no other FIR has been registered against the above named accused.

(ii) Whether the compromise entered between the parties is genuine, voluntarily without any coercion or undue influence?

As per the statement of Kuldeep Kaur, Darshan Singh, they have compromised the matter with each other out of their own sweet will and consent with the efforts of Mediation and Conciliation Centre of Hon'ble Punjab and Haryana High Court vide written compromise dated 23.12.2022. So, the compromise is genuine, voluntarily, without any coercion and undue influence.

(iii) Statement of IO regarding involvement of petitioner(s) in any other FIR.

As per the statement of IO, ASI Daljit Singh, it is submitted that no other FIR has been registered against the accused persons.

(iv) Status of the trial pending before the Court.

As per the report of the criminal Ahlmad, challan has not been presented in this case.”

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6. Learned counsel for the petitioners contend that the marriage of petitioner No.2 was solemnized with respondent No.2 on 19.02.2020 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the settlement/agreement. Petitioner No.2 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court SAS Nagar (Mohali) Camp at Kharar, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.2 shall pay a sum of Rs.12 lakhs on account of permanent alimony to respondent No.2. A sum of Rs.8,50,000/- has already been paid and the balance amount of Rs.3,50,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion. The custody of minor child shall remain with respondent No.2.

7. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

8. 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.

9. 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.

10. 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*.

11. 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.206 dated 23.12.2020 under Section 498-A IPC, registered at Police Station City Budhlada, District Mansa and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

05.07.2023
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(VIVEK PURI)
JUDGE

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