

GURPREET SINGH AND ANR.

VERSUS

STATE OF PUNJAB AND ANR.

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Arav Gupta, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. 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.232 dated 28.10.2022 under Sections 498-A/406 IPC, registered at Police Station Civil Lines, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 03.08.2023, 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 03.08.2023, learned Judicial Magistrate 1st Class, Patiala has recorded the statements of the parties and

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submitted the report, the relevant para whereof reads as under:-

1. Number of persons As per the statement of Investigating officer, ASI Gurmit Singh, there are only two accused namely Gurpreet Singh and Charanjit Kaur in this present FIR.
2. Whether any accused is As per the statements of Investigating officer and statement of Ahlmad of this Court, accused are not proclaimed offenders.
3. Whether the compromise is In view of the statement suffered by genuine, voluntary and complainant Mamta Sharma and without any coercion or undue influence. accused Gurpreet Singh and Charanjit Kaur, the compromise arrived between them is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused As per the statement of Investigating persons are involved in any officer, accused persons are not other case or not. involved in any other case.
5. The trial Court is also As per the statement of Investigating directed to record the Officer ASI Gurmit Singh, there is only statement of the Investigating Officer as to how manyvictim/complainant i.e Mamta Sharma victims/complainants are there. in the present FIR. in the FIR.

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.10.2020 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The 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 in terms of judgment and decree dated 02.09.2023 passed by the learned Family Court, Patiala. Petitioner No.1

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her claim for permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioners. The custody of minor daughter shall remain with respondent No.2. No other case is pending between the parties.

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

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***, approved 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.232 dated 28.10.2022 under Sections 498-A/406 IPC, registered at Police Station Civil Lines, District Patiala and all the consequential proceedings arising

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therefrom, are ordered to be quashed, however, qua the petitioners only.

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

20.09.2023

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(VIVEK PURI)
JUDGE

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