

2023:PHHC:103437

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13646-2023
Date of decision: 09.08.2023

HARMANVIR SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kulbir Singh Saini, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Narinder Saini, Advocate
for respondent No. 2.

VIVEK PURI, J. (ORAL)

1. Petitioners are seeking to quash the FIR No. 95 dated 05.09.2020 under Sections 406, 498-A IPC, registered at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.11.2022 (Annexure P-2).
2. On 17.03.2023, 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 17.03.2023, learned Judicial

Magistrate 1st Class, Fatehgarh Sahib has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Accordingly, statement of complainant Amandeep Kaur and statement of accused persons Harmanvir Singh, Jasminder Singh, Bhupinder Kaur and Ravinder Kaur were recorded by me after satisfying myself that they are not under any sort of pressure and are making their statements voluntarily. As per statement of complainant Amandeep Kaur, the matter has been compromised amicably with accused persons named above without any threat, pressure or coercion with the intervention of respectable. She further stated that she has no objection if FIR No.95 dated 05.09.2020 under Sections 406 and 498A of the IPC, Police Station Mulepur, District Fatehgarh Sahib, be quashed. Accused persons Harmanvir Singh, Jasminder Singh, Bhupinder Kaur and Ravinder Kaur have also got recorded their statement that the matter has been compromised amicably in the said FIR with complainant Amandeep Kaur, without any threat, pressure or coercion with the intervention of respectable. Copies of identity cards of the parties have been taken on record as Mark A to Mark E.

It is further submitted that as per statements made by Retd. ASI Gulzar Singh, the Investigating Officer of the present case, there is no other accused or complainant except the parties to the compromise in the present case. No accused has been declared as a proclaimed offender in the present FIR and there is no other criminal case pending against the accused persons named above.

It is further submitted that from the above said statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No. 1 was solemnized with respondent No. 2 on 25.11.2018. There are four petitioners. Although, the allegations in the complaint were levelled against the petitioners and 3 other family members but they were found innocent and the FIR was registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3), the marriage of the 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 26.05.2023 passed by the learned Family Court, Fatehgarh Sahib. A sum of Rs. 15,00,000/- has been paid to respondent No. 2 on account of permanent alimony. The respondent No. 2 has withdrawn the petition under Section 125 Cr.P.C. and 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***, 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. 95 dated 05.09.2020 under Sections 406, 498-A IPC, registered at Police Station Mulepur, District Fatehgarh Sahib 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.

09.08.2023
manoj

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No