

**In the High Court for the States of Punjab and Haryana at
Chandigarh**

CRM-M-15930-2021

Date of Decision: *October 17, 2023*

Yugraj Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: **HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

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

Mr. Vishal Munjal, Advocate
for respondent No. 2.

Vivek Puri, J.

1. The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No. 14, dated 05.02.2021, under Sections 420, 376-B of the Indian Penal Code (for short 'IPC'), registered at Police Station Kalanaur, District Gurdaspur, on the basis of compromise (Annexure P-6).

2. Learned counsel for the petitioner contends that as per the allegations, the marriage of the petitioner and the respondent no.2 was solemnized on 18.11.2014 and two

children were born from the wedlock. The petitioner was working as process server in Civil Courts at Batala. The FIR was registered on the allegations that the petitioner falsely told the respondent no.2 that he wants to go abroad for the better future of the children as his salary is less. At the asking of the petitioner, the marriage was dissolved by a decree of divorce on 05.12.2019. Even thereafter, the respondent no.2 was kept in the house of the petitioner. Subsequently, the respondent no.2 came to know that the petitioner has solemnized second marriage. Even the respondent no.2 was kept with him and physical relations were maintained. It has been further submitted that the present dispute has arisen out of the material discord and the same has been amicably settled between the parties. At the earlier instance, the marriage of the petitioner and the respondent no.2 was dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 05.12.2019 passed by the learned Family Court, Gurdaspur. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-6). Subsequently, in view of the amicable settlement, the petitioner and respondent no.2 have solemnized remarriage on 22.10.2020. The marriage has also been got registered with the Registrar of Marriages and Annexure P-5/1 is the marriage certificate. The parties are having two children from

the wedlock and amicable settlement will help in maintaining the cordial relations between the parties.

3. In terms of order dated 09.04.2021, the parties were directed to appear before the learned Illaqa/Duty Magistrate for recording their statements and the concerned Court was directed to send the report with regard to genuineness of compromise and also to intimate whether any of the accused has been declared proclaimed offender in the case.

4. In compliance of the order dated 09.04.2021, both the private parties have appeared before the learned Judicial Magistrate First Class, Gurdaspur, and got their statements recorded. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 07.05.2021, the relevant para whereof reads as under:-

“i. It is submitted that as per the statement of investigating officer, there is only one person namely Yugraj Singh (petitioner) arraigned as accused in the FIR and he is not absconding/P.O. in this case and is facing trial before the Court.

ii. It is further submitted that as per the statement of investigating officer, respondent no.2 is only complainant and aggrieved and she has made statement in support of compromise.

iii. It is further submitted that as per statement of Ahlmad of this Court, challan has been presented in the present case and is

pending in the Court of Shri Ajitpal Singh, Ld. Additional Sessions Judge, Gurdaspur, for 05.07.2021.

iv. It is further submitted that in view of the statements recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, voluntary and out of free will of the parties.”

5. Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and petitioner and respondent no.2 have solemnized remarriage, it shall be appropriate to meet the ends of justice, if the FIR and subsequent proceedings are quashed. The couple is also having two children.

6. Learned counsel for the petitioner has also sought to place reliance on the judgment passed by Hon'ble Supreme Court in '**Ananda D.V. Versus State and another**', 2021 **All SCR (Crl.) 1175**, wherein the proceedings were quashed after the parties eventually got married subsequent to the registration of the FIR. Reliance has also been placed upon **2018(2) Crimes 438 (Punjab & Haryana)** titled '**Lovely Versus State of Punjab**' wherein the proceedings were quashed after the parties had solemnized marriage and were happily residing as husband and wife.

7. The inherent power vested in this Court under Section 482 of the Code of Criminal Procedure is not to be invoked as a matter of routine but to prevent the abuse of

power of Court and to secure ends of justice. This section gives the power to this Court to entertain applications which are not contemplated in the Code of Criminal Procedure, in the event, it is felt that the ends of justice will require that the Court can invoke the extraordinary powers which are to be exercised with restraint and not lightly. In the event, the Court is satisfied that in order to secure the ends of justice, it should interfere under its inherent powers, it ought to do so.

8. It may be mentioned here that in the normal course of events, this Court may not have been inclined to quash the FIR in case of a non-compoundable offence involving the crime which is heinous and serious in nature. However, petitioner and respondent no.2 are stated to be residing together along with their children happily.

9. In such circumstances, the possibility of conviction also becomes remote and bleak and continuation of criminal case will cause injustice not only to the petitioner but also to respondent No.2, who is legally wedded wife of the petitioner and having two children from the wedlock.

10. As such, 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 in the light of amicable settlement having been effected between the parties. In such a situation, continuation of the prosecution would result in sheer abuse of process of

law. In the event, the FIR is quashed, it will be for the welfare of the parties and would also tend to strengthen the healthy matrimonial relationship between the petitioner and respondent No.2 as husband and wife.

11. 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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

12. 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. 14, dated 05.02.2021, under Sections 420, 376-B of the IPC, registered at Police Station Kalanaur, District Gurdaspur is ordered to be quashed, however, qua the petitioner only.

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

October 17, 2023
vkd

[Vivek Puri]
Judge

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