

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

**CRM-M-13887-2023
Date of decision: 08.05.2023**

DILBAG SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Dhillon, Advocate for
Mr. Tarun Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sanyam Bhardwaj, Advocate for respondent Nos.2 and 3.

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.105 dated 31.10.2021 under Sections 420/406 IPC, 1860 registered at Police Station Ghall Khurd, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 20.03.2023, 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 20.03.2023, learned Judicial Magistrate 1st Class, Ferozepur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

any coercion or undue influence.

ii) There are only two accused persons namely i) Dilbag Singh son of Gurdeep Singh, ii) Diljeet Kaur wife of Ramanpreet Singh Sandhu D/o Dilbag Singh.

iii) None of the accused/petitioner namely Dilbag Singh and Diljeet Kaur ever being declared proclaimed offender and no other criminal case is pending against them.”

5. Learned counsel for the petitioners contend that the present FIR has been registered as an offshoot of matrimonial dispute between petitioner No.2 and respondent No.3. The FIR has been registered on the allegations that the petitioner had deceitfully extracted huge amount to the tune of Rs. 45,00,000/- for the purpose of solemnizing marriage and settling petitioner No.2 abroad. The allegations were levelled against the petitioners and three other relatives but the FIR has been registered only against the petitioners. The dispute has been amicably settled between the parties in terms of compromise deed dated 06.03.2023 (Annexure P-2). Petitioner No.2 and respondent No.3 have instituted a petition for dissolution of marriage by mutual consent. Respondent No.2 shall pay a sum of Rs.10,50,000/- to petitioner No.2 in full and final settlement of her claim for maintenance. Petitioner No.2 shall withdraw the petition under Section 125 Cr.P.C. No other case is pending between the parties.

6. Learned counsel for respondent Nos.2 and 3 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

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.105 dated 31.10.2021 under Sections 420/406 IPC, 1860 registered at Police Station Ghall Khurd, District Ferozepur 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.

08.05.2023
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(VIVEK PURI)
JUDGE

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