

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

**CRM-M-15758-2023(O&M)
Date of decision: 11.08.2023**

**VEER SINGH @ BIR SINGH @ VIR SINGH
AND ORS.**

PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akbarjit Singh, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. P.S.Bedi, 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 GD No.27 dated 14.04.2022, under Sections 354/323/506/34 IPC, 1860, registered as the cross case in FIR No.30 dated 14.04.2022, under Sections 354/323/34 IPC, registered at Police Station Sadar Raikot, Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 28.08.2023, parties were directed to appear before the Illaqa Magistrate/Duty 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 28.03.2023, learned Judicial Magistrate 1st Class, Jagraon has recorded the statements of the parties and submitted the

report, the relevant para whereof reads as under:-

“Pursuant to the order dated 28.03.2023 passed by the Hon'ble Punjab & Haryana High Court in CRM-M-15758-2023(O&M) titled as Veer Singh @ Bir Singh @ Vir Singh and others Vs. State of Punjab and others, report is hereby submitted to the effect that the statements of complainant/respondent No.2 Jugraj Singh s/o Harlal Singh, r/o H. No. 192, Phallewal, Distt. Ludhiana alongwith respondent No.3/aggrieved person Baljit Kaur @ Baljeet Kaur w/o Harlal Singh, r/o H.No.192, Phallwal, Distt. Ludhiana respectively and petitioners No.1 to 4/accused namely Veer Singh @ Bir Singh @ Vir Singh s/o Labh Singh, r/o 2015, Johlan Road, Raikot, Distt. Ludhiana, Balvir Singh @ Balveer Singh @ Babbu s/o Veer Singh, r/o 2015/5, Johlan Road, Raikot, Distt. Ludhiana, Jaswinder Kaur w/o Vir Singh, r/o 2015/5, Raikot, Distt. Ludhiana and Harpreet Kaur c/o Jugraj Singh, r/o Phallwal, Distt. Ludhiana respectively, recorded on 13.04.2023. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Gurmail Singh, No.66/Ldh(R), now posted at PP Lohatbaddi, P.S. Sadar Raikot recorded to the effect that in the present there is no complainant namely Jugraj Singh and one aggrieved person namely Baljit Kaur @ Baljeet Kaur and four accused namely Veer Singh @ Bir Singh @ Vir Singh, Balvir Singh @ Balveer Singh @ Babbu, Jaswinder Kaur and Harpreet Kaur and they never declared as Proclaimed Offender. He further stated that FIR No.31 dated 22.05.2020, u/s 61-1-14 of Excise Act, PS City Raikot, has also been registered against two accused namely Veer Singh @ Bir Singh @ Vir Singh, R/o 2015, Johlan Road, Raikot, Distt. Ludhiana and Balvir Singh @ Balveer Singh @ Babbu S/o Veer Singh, R/o 2015/5, Raikot, Distt. Ludhiana but no other criminal case is pending against accused Jaswinder Kaur and Harpreet Kaur. He further stated that there is also a cross case registered between the parties vide FIR No.30 dated 14.04.2022, registered under Sections 354/323/34 of IPC, at Police Station Sadar Raikot, Distt. Ludhiana (Rural).”

5. Learned counsel for the petitioners contend that as per the allegations, the marriage of petitioner No.4 was solemnized with respondent No.2. In order to settle the marital dispute between the parties, a meeting was held wherein the

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petitioners had inflicted injuries upon respondent Nos.2 to 4 and further, petitioner No.2 tore the shirt of respondent No.3. The present case is an offshoot of marital dispute. It is a case of version and cross version. A separate petition for quashing of FIR registered at the instance of petitioner No.1 on the basis of compromise has also been instituted. It has been settled that petitioner No.4 and respondent No.2 shall move a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent. Furthermore, the case under Punjab Excise Act registered against petitioner Nos.1 and 2 has no concern with the present dispute.

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 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, an offshoot of 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***.

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10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, GD No.27 dated 14.04.2022, under Sections 354/323/506/34 IPC, 1860, registered as the cross case in FIR No.30 dated 14.04.2022, under Sections 354/323/34 IPC, registered at Police Station Sadar Raikot, Ludhiana Rural 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.

11.08.2023

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(VIVEK PURI)
JUDGE

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