

**239-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15772-2023(O&M)

Date of decision: 11.08.2023

JUGRAJ SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prabhjot Singh, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Akbarjit Singh, Advocate for respondent Nos.2 to 5.

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.30 dated 11.04.2022 under Sections 354/323/34 IPC, 1860 registered at Police Station Sadar Raikot, Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 28.03.2023, 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 Hon'ble Punjab & Haryana High Court in CRM-M-15772-2023(O&M) titled as Jugraj Singh and another Vs. State of Punjab and others, report is hereby submitted to the effect that the statements of complainant/respondent No.2 Veer Singh @ Bir Singh @ Vir Singh s/o Labh Singh, R/o 2015, Johlan Road, Raikot, Distt. Ludhiana along with respondents No.3 to 5/aggrieved persons namely Balvir

Singh @ Balveer Singh @ Babbu s/o Veer Singh, r/o 2015/5, 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 Phallewal, Distt. Ludhiana respectively and petitioners No.1 and 2/accused Jugraj Singh s/o Harlal Singh, r/o H. No.192, Phallewal, Distt. Ludhiana & Baljit Kaur @ Baljeet Kaur w/o Harlal Singh, r/o H. No.192, Phallewal, 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 there is one complainant namely Veer Singh @ Bir Singh @ Vir Singh and there are three aggrieved persons namely Balvir Singh @ Balveer Singh @ Babbu, Jaswinder Kaur and Harpreet Kaur and two accused namely Jugraj Singh and Baljit Kaur and they never declared as Proclaimed Offender nor any other criminal case is pending against them. As per record, there is also a cross case registered between the parties vide GD No.27 dated 14.04.2022, under Sections 354/323/506/34 IPC, P.S. Sadar Raikot, Distt. Ludhiana.”

5. Learned counsel for the petitioners contend that as per the allegations, the marriage of petitioner No.1 was solemnized with respondent No.5. In order to settle the marital dispute between the parties, a meeting was held wherein the petitioners had inflicted injuries upon respondent Nos.2 to 5 and further, petitioner No.1 had also torn the shirt of respondent No.4. The present case is an offshoot of marital dispute. It is a case of version and cross version. A separate petition for quashing the cross version that has been registered on the basis of the statement of petitioner No.1 has also been instituted. It has been settled that petitioner No.1 and respondent No.5 shall move a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent.

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, 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*.

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.30 dated 11.04.2022 under Sections 354/323/34 IPC, 1860 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