

**288-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-16121-2023
Date of decision:05.07.2023**

KULDEEP KAUR

...PETITIONER

VERSUS

STATE OF STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naresh Chander, Advocate for
Mr. Ajay Kumar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Ankush Bharti, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.83 dated 14.06.2020 under Sections 420/406/384/506/120-B IPC, registered at Police Station Dayalpur, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 13.04.2023, 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 13.04.2023, learned Judicial Magistrate 1st Class, Phul has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

order of Hon'ble High Court, GPA Darshan Singh father of complainant Amandeep Singh as well as accused Kuldeep Kaur appeared in the Court and their statements regarding compromise have been recorded. Darshan Singh father of complainant Amandeep Singh as well as accused Kuldeep Kaur have been identified by their respective counsels. Further, in reply to above said query, it is submitted that the compromise arrived at between Darshan Singh father of complainant Amandeep Singh as well as accused Kuldeep Kaur is genuine, voluntary and without any coercion or undue influence. It is further submitted that there is only accused in the present case and she is party to the compromise and she has not been declared as proclaimed offender and as per report of Ahlmad, there is no other criminal case pending against her.”

5. Learned counsel for the petitioner contends that the FIR has been registered primarily on the allegations that the petitioner had deceitfully solemnized marriage with respondent No.2 by concealing the fact of earlier marriage and had also taken away the cash and jewellery of the mother of respondent No.2 while leaving the house. The dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the settlement/agreement. The present FIR is an offshoot of the matrimonial dispute between the parties which has been amicably settled. Another FIR No.206 dated 23.12.2020 under Section 498-A IPC, registered at Police Station City Budhlada, District Mansa has been registered at the instance of the petitioner against respondent No.2 and his father and the same has also been quashed on the basis of compromise.

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

CRM-M-16121-2023

-3-

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 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.83 dated 14.06.2020 under Sections 420/406/384/506/120-B IPC, registered at Police Station Dayalpur, District Bathinda 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.

05.07.2023

renubala

(VIVEK PURI)
JUDGE

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