

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

**CRM-M-16433-2023
Date of decision: 01.09.2023**

GURPREET SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashutosh Dhankar, Advocate for
Mr. Shantanu Bansal, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Sylvester Stephen, Advocate for respondent No.2.

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.261 dated 13.05.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Yamunanagar City, District Yamunanagar and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 10.04.2023, 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 10.04.2023, learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

by Hon'ble High Court, complainant Komal daughter of Dharam Pal and accused Gurpreet Singh son of Gurmail Singh and Baljeet Kaur wife of Gurmail Singh appeared before the Court of undersigned and got recorded their separate statements and also placed on record copy of compromise as Ex. CX. Statement of complainant is Annexure-I and statement of accused persons is Annexure-II (Annexed herewith in original) and copy of the compromise Ex. CX is Annexure-III.

As per statement of complainant Komal, the matter between the complainant and accused persons has been compromised voluntarily without any pressure, threat or coercion. It has been stated by the complainant that she has no objection if the FIR is quashed against all the accused. In the similar manner, accused persons have given statement that matter between them has been compromised voluntarily without any pressure, threat or coercion. From the statements of complainant and accused persons, it appear that matter between complainant and accused has been compromised voluntarily without pressure of any kind from any corner and compromise effected between them is genuine one.

Had there been any pressure of any kind on any of the persons, who had given statements before this Court, then he could bring notice of this Court about that fact, but none of the persons, who had given statements had stated that he was under pressure of any kind.

In these circumstances, it is concluded that the statements of the complainant and accused persons are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between complainant and accused is voluntarily without any threat or coercion and is valid one.

In compliance of the orders passed by Hon'ble High Court, the Investigation Officer i.e. SI (retd.) Ombir was called through notice and his statement has been recorded, which is Annexure-IV (Annexed herewith in original) and as per the statement of the Investigating Officer, it is reported that:-

- i) In the present case there are two accused persons, namely Gurpreet Singh and Baljeet Kaur.*
- ii) Accused persons have not been declared proclaimed person by any Court of Law in this case.”*

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investigation, the challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 09.04.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 15.03.2023 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 04.07.2019 passed by the learned Family Court, Yamunanagar at Jagadhri (Annexure P-3). The entire claim of respondent No.2 for permanent alimony and *Istri Dhan* has been settled. No other case is pending between the parties.

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, 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,***

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approved 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.261 dated 13.05.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Yamunanagar City, District Yamunanagar 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.

01.09.2023

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(VIVEK PURI)
JUDGE

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