

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

**CRM-M-16803-2023
Date of decision: 11.09.2023**

GAGANDEEP SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Ketan Chopra, Advocate for
Mr. Vishal Munjal, 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.96 dated 06.11.2018 under Sections 498-A/406 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 10.04.2023, 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 10.04.2023, learned Judicial Magistrate 1st Class-cum-Civil Judge (Junior Division), Batala has recorded the statements of the parties and submitted the report, the relevant para whereof reads

“As per statement of the parties, compromise has been effected between the parties. Compromise appears to be genuine, voluntary, without any coercion or undue influence and same is the result of free will of parties. It is further submitted that ASI Kulwant Singh, Belt No.2582/BTL, presently posted at Police Station Ghoman has brought the record of present FIR and submitted that as per record, besides the accused/petitioners mentioned in the petition, there was one another accused namely Rani Devi wife of Balkar Singh, resident of New Colony, Gobind Nagar, Gurdaspur in the FIR, but said accused was died on 27.02.2019 before presentation of report under Section 173 Cr.P.C. Further, as per record, parties are not involved or declared proclaimed offender in any other criminal case. ”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners, Rani Devi and Raj Rani. However, FIR has been registered only against the petitioner and Rani Devi. Rani Devi, the mother-in-law of respondent No.2 has since died. The marriage of petitioner No.1 was solemnized with respondent No.2 on 28.03.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 14.03.2023 (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 11.04.2023 passed by the learned Family Court, Gurdaspur. The entire claim of respondent No.2 for permanent alimony and *Istri Dhan* has been settled. The custody of minor daughter shall remain with petitioner No.1. 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

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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***, 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.96 dated 06.11.2018 under Sections 498-A/406 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur 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.

11.09.2023

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(VIVEK PURI)
JUDGE

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