

CRM-M-18272-2023 (O&M) - 1 -

2023 : PHHC : 149411

263

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18272-2023 (O&M)

Date of Decision: 23.11.2023

RAVINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Yadav, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Mikhail Kad, Advocate and
Mr. H.S.Rakhra, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 07 dated 31.10.2018 under Sections 406, 498-A IPC registered at Police Station NRI, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.04.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.
3. In compliance of the order dated 17.04.2023, learned Judicial Magistrate First Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“The complainant Mandeep Kaur and accused Ravinder Singh in their respective statements have stated on oath that the matter has been mutually compromised between them and now no grudge or enmity remains between the parties. I have inquired the factum of compromise from the parties present in the Court who endorsed the fact of effecting of compromise between them with their free volition. From the

statements of the parties as well as the other circumstances, it seems that the compromise effected between complainant Mandeep Kaur and accused Ravinder Singh is genuine and the same was effected without any threat or coercion of any person.

As per the record and the statement of Investigating Officer, the present FIR was lodged only against accused Ravinder Singh. Earlier, the accused Ravinder Singh was declared proclaimed person in the present case. The accused Ravinder Singh was arrested in the present case on 24.05.2023 and he joined the investigation. Except, the present case no other case is pending against accused Ravinder Singh. The final report in the present case is already presented on 13.06.2020. The charge was framed on 02.09.2023 and now the case is fixed for prosecution evidence.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 21.05.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties and Annexure P-2 is the affidavit of respondent no.2 in this regard. The marriage of the petitioner 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 the judgment and decree dated 28.09.2023 passed by the learned Family Court, Amritsar. A sum of Rs. 5,00,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of Istridhan and nothing is due payable to her by the petitioner. The custody of the minor son shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsels for respondent No.2 have acknowledged this fact and have stated that they have no objection if the aforementioned FIR is quashed.

6. Mr. H.S.Rakhra, Advocate for respondent No.2 seeks to withdraw CRM-31936-2023 in the present petition.

7. Ordered accordingly.

8. After hearing 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 is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

9. 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.

10. 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***.

11. Accordingly, the present petition is allowed and FIR No. 07 dated 31.10.2018 under Sections 406, 498-A IPC registered at Police Station NRI, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No