

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

CRM-M-18828-2023
Date of decision: 24.11.2023

DHARAMJIT SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Komalpreet Singh, Advocate for
Mr. Amandeep Singh, 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.126 dated 30.12.2020 under Sections 406/498-A IPC, 1860 registered at Police Station Begowal, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 18.05.2023, 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 18.05.2023, learned Sub Divisional Judicial Magistrate, Bholath has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. That the statements of the parties are bonafide and

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are not result of any pressure or coercion etc in any manner.

2. That the compromise effected between complainant Sukhwinder Kaur and accused Dharamjit Singh and Gurmit Kaur is genuine and correct and the same is not the result of any fraud or misrepresentation and is result of free will of the parties.

3. That there are 02 persons arraigned as accused in the present FIR. No accused is declared PO in present FIR. The above-said accused persons are not involved in any other case.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and brother of petitioner No.1 but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 25.02.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 27.02.2023 (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 18.10.2023 passed by the learned Family Court, Kapurthala (Camp at Bholath). A sum of Rs.25,00,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of Istri Dhan and nothing is due payable to her by the petitioners. 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

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.126 dated 30.12.2020 under Sections 406/498-A IPC, 1860 registered at Police Station Begowal, District Kapurthala 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.

24.11.2023

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(VIVEK PURI)
JUDGE

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