

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18941-2023

Date of Decision: 04.09.2023

HARKEERAT SINGH AND OTHERS ... PETITIONERS
V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sher Singh, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Lachhman Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 71 dated 04.06.2021 under Sections 406 and 498-A IPC registered at Police Station Amloh, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 19.04.2023, 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 19.04.2023, learned Judicial Magistrate First Class, Amloh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“8. It is further humbly submitted that:
(i) As per the statement of IO, Retired SI Sukhwinder Singh No. 191/FGS, no other accused person is arrayed as accused in the present FIR; only four accused persons namely Harkirat Singh, Saroj Kanta (@ Manjinder Kaur, Bhagwant Saroop and Jaspreet Singh are arrayed as accused in the present FIR;
(ii) As per the statement of IO, Retired SI Sukhwinder Singh No. 191/FGS, no other complainant

or affected/aggrieved party is in the present FIR; Shivpreet Sharma is only complainant/affected/aggrieved party in the present FIR;

(iii) None of the parties are involved in any other criminal case, as per the statement of IO;

(iv) None of the parties have been declared as Proclaimed Offender in the FIR, as per the statement of IO;

(v) From the statements of the parties, it seems that the compromise between the complainant/victim Shivpreet Sharma and accused persons namely Harkirat Singh, Saroj Kanta @ Manjinder Kaur, Bhagwant Saroop and Jaspreet Singh are genuine, voluntarily and without any coercion or undue influence.

9. The complainant/victim namely Shivpreet Sharma & accused persons namely Harkirat Singh, Saroj Kanta @ Manjinder Kaur, Bhagwant Saroop and Jaspreet Singh have no objection if the above said FIR and the consequential proceedings are quashed against the above said accused persons in view of the compromise entered into between the parties.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.08.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of Settlement (Annexure P-2). The petitioner No.1 shall pay a sum of Rs. 10,50,000/- to respondent No.2 in full and final settlement of her claim for permanent alimony. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent which is pending in the learned Family Court, Fatehgarh Sahib, Camp at Amloh. A sum of Rs. 6,00,000/- has already been paid and the balance amount of Rs. 4,50,000/- shall be paid when the statements of the parties shall be recorded at the stage of 2nd motion. Respondent No.2 has received all her articles of *Istridhan* and nothing else is due payable to her from the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. 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 (Annexure P-4). 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.

7. 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.

8. 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***.

9. Accordingly, the present petition is allowed and FIR No.71 dated 04.06.2021 under Sections 406 and 498-A IPC registered at Police Station Amloh, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

04.09.2023

Janki

(VIVEK PURI)
JUDGE

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