

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

**CRM-M-19837-2023
Date of decision: 11.09.2023**

HAZUR SINGH @ LADDI AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gagandeep Singh Virk, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vikas Prakash, Advocate for
Mr. Gautam Sehgal, 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.91 dated 29.12.2020 under Sections 406/498-A IPC, 1860 registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 21.04.2023, parties were directed to appear before the Trial Court/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 21.04.2023, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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between the complainant and accused and witnesses is valid, genuine, voluntary and without any coercion or undue influence. Present case has been registered against accused Hazur Singh and Mangat Singh. Also, Mamta Rani is the only complainant in the present case. Now matter has been compromised between the parties.”

5. Learned counsel for the petitioners contend that initially the FIR was registered against petitioner No.1. Subsequently, petitioner No.2 was also nominated as an accused. The allegations were also levelled against three other relatives but FIR was not registered against them. The marriage of petitioner No.1 was solemnized with respondent No.2 on 16.01.2017 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. 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 in the learned Family Court, Ludhiana wherein, the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.3,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.1,00,000/- has already paid and the balance amount of Rs.2,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. 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 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

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.91 dated 29.12.2020 under Sections 406/498-A IPC, 1860 registered at Police Station Women Cell, Ludhiana 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