

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

**CRM-M-20968-2023
Date of decision: 19.07.2023**

PARNEET SINGH SWANI AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aman Arora, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Ankit Kamboj, 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.115 dated 06.09.2013 under Sections 406/498-A/323/324/406/120-B IPC, registered at Police Station Balongi, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 28.04.2023, 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 28.04.2023, learned Judicial Magistrate 1st Class, Kharar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“As per statements made by the parties, the compromise was entered into without any undue influence or Without any pressure. In my opinion, compromise appears to have been made voluntarily and is genuine.
It is further submitted that as per the information*

CRM-M-20968-2023

-2-

provided by Investigating Officer Retired Inspector Nikka Ram;

i. There are four accused-pesons namely Parneet Singh Swani, Kirandip Singh, Harvinder Swani and Harjiv Singh Swani arrayed as accused in the present FIR/police report.

ii. Accused-persons are not involved in any other FIR except the present FIR as P.S.Balongi.

It is further submitted that the compromise appears to be genuine, voluntary and without any coercion or undue influence. It is hence submitted that:-

i. All the accused/victims have entered into compromise.

ii. There is no partial compromise.

iii. The present case is pending for prosecution evidence.

iv. Yes all the accused-persons/petitioners are appearing before the Court are on bail.

v. As per report of MLR the injuries suffered by complainant is simple in nature.” ”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.10.2003 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement deed/agreement dated 06.04.2023 (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 20.05.2023 passed by the Court of learned Additional District Judge, Chandigarh. Petitioner No.1 shall pay a sum of Rs.9 crore on account of permanent alimony to respondent No.2 as per the terms of settlement deed/agreement. A sum of Rs.8 crore has already been paid and the balance amount of Rs.1 crore shall be paid within a period of one week. The daughter of the parties has attained the age of majority. The parties have withdrawn the other respective cases instituted by them and no case is pending between them.

6. Learned counsel for respondent No.2 states that he has no objection if

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 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***, upheld 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.115 dated 06.09.2013 under Sections 406/498-A/323/324/406/120-B IPC, registered at Police Station Balongi, District SAS Nagar 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.

19.07.2023

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(VIVEK PURI)
JUDGE