

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-21844-2023

Date of Decision: 29.08.2023

VIKRAM SINGH @ VIKRAMJIT SINGH AND ORS.

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S. Batana, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Simranjit Singh, Advocate
for Mr. Hitesh Verma, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 101 dated 27.11.2014 registered under Sections 498-A and 506 of Indian Penal Code (Section 406 of IPC added later on) at Police Station Kot Dharmu, District Mansa along with all subsequent proceedings arising therefrom on the basis of compromise.
2. Vide order dated 02.05.2023, passed by this Court, 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 aforesaid order, report has been received from the court of Judicial Magistrate Ist Class, Mansa and the relevant portion is reproduced hereinbelow:

“Statements of complainant and accused have been recorded separately. From the statement of complainant and statement of accused, it makes out that the parties of

the present petition have compromised the matter with their free will and full senses, so that they may live in peace and harmony and to avoid any further enmity between the parties. So this compromise between the parties to the petition appears to be genuine & valid and outcome of free consent of the parties and is without coercion from any quarter.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No. 1 was solemnized with respondent No. 2 on 20.01.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-3. The petitioner No. 1 has paid a sum of Rs.19,00,000/- to respondent No. 2 on account of permanent alimony. 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 01.08.2023 passed by learned Family Court, Mansa. Respondent No. 2 has received all her articles of *stree dhan* and nothing else is due payable to her by the petitioner. Custody of minor daughter shall remain with respondent No. 2. No other case is pending between the parties.

5. Learned counsel for respondent No. 2 has not disputed the aforesaid factual aspects and has stated that he has no objection if the 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. 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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, 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. 101 dated 27.11.2014 registered under Sections 498-A and 506 of Indian Penal Code (Section 406 of IPC added later on) at Police Station Kot Dharmu, District Mansa and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

29.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No