

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21811-2023
Date of Decision: 01.12.2023

SAMANDEEP SINGH AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Khushika Setia, Advocate
 for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Vikas Prakash, Advocate for
Mr. G.S.Virk, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.121 dated 01.09.2022 under Sections 406/498-A IPC registered at Women Police Station, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 21.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 21.07.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid,

genuine, voluntary and without any coercion or undue influence. There are only two accused arrayed in the present FIR namely Samandeep Singh and Kulwant Kaur. Also, Rajpreet Kaur is the only complainant in the present case. Accused have never been declared proclaimed offender nor involved in any other criminal case as per statement of IO SI Suresh Kumar. Challan in this case already presented and case is at the stage of consideration on charge. Now matter has been compromised between the parties.”

4. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and three other family members but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 24.04.2021. It was second marriage of petitioner No.1 as well as respondent No.2 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, 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 the Hindu Marriage Act in terms of the judgment and decree dated 09.10.2023 passed by the learned Family Court, Ludhiana. A sum of Rs. 2,50,000/- has been paid to respondent No.2 on account of permanent alimony. She has also received all her articles of stridhan and nothing else is due payable to her by the petitioners.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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, 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. 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.121 dated 01.09.2022 under Sections 406/498-A IPC registered at Women Police Station, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

01.12.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No