

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23266-2023
Date of Decision: 05.09.2023

GURPREET SINGH AND ORS. ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sunny K. Singla, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Manipal S. Yadav, Advocate for
Mr. Manpreet Bagga, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR bearing No.57 dated 11.06.2021, under Sections 406/498-A IPC registered at Police Station Women, District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 08.05.2023, the parties were directed to get their statements recorded before the learned Trial Court/Area magistrate.
3. In compliance of the order dated 08.05.2023, 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:-

“ So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure or coercion or fear.”

4. Learned counsel for the petitioners contend that the marriage of

petitioner No.1 was solemnized with respondent No.2 on 19.11.2017 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-2. Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 alongwith minor daughter is happily residing in the matrimonial house with petitioner No.1. No other case is pending between the parties.

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 bearing No.57 dated 11.06.2021, under Sections 406/498-A IPC registered at Police Station Women, District Police Commissionerate 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.

05.09.2023
smriti

(VIVEK PURI)
JUDGE

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