

ASHWINDER SINGH AND ANOTHER ... PETITIONERS  
V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. K.S.Malik, Advocate for the petitioners.  
Mr. Hittan Nehra, Addl. A.G. Punjab.  
Ms. Sukhveer Kaur, Advocate for respondent No.2.  
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**VIVEK PURI, J. (ORAL)**

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 09 dated 03.08.2018 registered under Section 498-A of the Indian Penal Code at Police Station NRI, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 10.05.2023, 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 order dated 10.05.2023, learned Judicial Magistrate First Class, SAS Nagar, Mohali has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Regarding point (1) it is submitted that there

are only 2 accused persons namely Ashwinder Singh and Malkit Kaur who are arrayed as accused in the present FIR.

Regarding point (2) it is submitted that the accused persons namely Ashwinder Singh and Malkit Kaur have not been declared as proclaimed offender at any stage of the case.

Regarding point (3) it is submitted that as per the statements of the complainant and accused, the compromise between complainant and accused Ashwinder Singh through his power of attorney holder Sh. Davinder Singh S/o Ranjit Singh appears to be genuine, voluntarily and without any coercion or undue influence.

Regarding point (4), it is submitted that the accused are not involved in any other FIR.

Regarding point (5), it is submitted that there is only one complainant namely Ramanpreet Kaur in the present FIR ”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.12.2015 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 Hindu Marriage Act in terms of the judgment and decree dated 01.07.2022 passed by the learned Family Court, Fatehgarh Sahib. A sum of Rs. 1,50,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of *Istridhan* and nothing else is due payable to her from the petitioners. No other case is pending between the parties.
5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that she has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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 offenses 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*, upheld 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. 09 dated 03.08.2018 registered under Section 498-A of the Indian Penal Code at Police Station NRI, District SAS Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.07.2023

Janki

(VIVEK PURI)  
JUDGE

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*