

CRM-M-23301-2023
Date of decision: 28.07.2023

RAJWINDER SINGH AND ORS.

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Nirmaljeet Singh Sidhu, 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.85 dated 23.11.2019 under Sections 406/498-A IPC, registered at Police Station Bajakhana, District Faridkot and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 09.05.2023, 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 09.05.2023, learned Judicial Magistrate 1st Class, Faridkot has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“From the perusal of above statements, it appears that

parties have voluntarily entered into compromise and the compromise between them appears to be genuine and voluntary. Present FIR has been registered against four accused persons namely Rajwinder Singh, Gurjant Singh, Ranjeet Kaur and Bhupinder Kaur have been arrayed as accused in the FIR, out of which accused Bhupinder Kaur has been declared innocent and present challan has been presented only against three accused namely Rajwinder Singh, Gurjant Singh and Ranjeet Kaur. All the accused as well as complainant have entered into the compromise and compromise is fully effected between them and not partial. Case is pending for prosecution evidence and none of accused has been convicted and no appeal is pending in learned Appellate Court. Accused Rajwinder Singh, Gurjant Singh and Ranjeet Kaur are appearing before the Court, but accused Bhupinder Kaur is not appearing as she was declared innocent. All the accused are on bail. A divorce petition is pending between respondent No.2/complainant as well as petitioner/accused Rajwinder Singh in the Court of Learned Principal Judge (Family Court), Faridkot and in that petition also parties have compromised the matter. Another FIR No.88 dated 11.09.2018 under Sections 304-A/279/427 IPC Police Station Thermal has been registered against accused Rajwinder Singh. Except present FIR, no other proceedings are pending against all the petitioners, except the petitioner Rajwinder Singh as stated above and they all are appearing in the Court and all are on bail.”

5. Learned counsel for the petitioners contend that as per the report, petitioner No.4 has been declared innocent and the challan has been presented only against petitioner Nos.1 to 3. Consequently, he seeks to withdraw the petition qua petitioner No.4.

6. Ordered accordingly.

7. Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 12.10.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 13.01.2021 (Annexure P-2).

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of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Faridkot wherein statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.2,20,000/- on account of permanent alimony. The said amount has been handed over to the Mediator and the same will be passed on to respondent No.2 when the statements are recorded at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties. Although, petitioner No.1 is involved in another case under Section 304-A IPC but same has no concern with the matrimonial dispute of the parties.

8. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

9. 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.

10. 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.

11. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052,***

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upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

12. 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.85 dated 23.11.2019 under Sections 406/498-A IPC, registered at Police Station Bajakhana, District Faridkot and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioners No.1 to 3 only.
13. Resultantly, with the above-said observations made, the instant petition stands allowed.

28.07.2023

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(VIVEK PURI)
JUDGE

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