

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-23462-2023

Date of Decision: 28.08.2023

AKALJOT SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Anshul Sharma, 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. 35 dated 05.04.2021 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Adampur District Jalandhar along with all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 10.05.2023, 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 Additional Chief Judicial Magistrate, Panchkula and the same is reproduced hereinbelow:

“Further, I have also examined the parties in person. As such, in view of the statements of the parties as well as after their examination in the Court, I am of the view that all the

parties have entered into the compromise voluntarily, without any pressure or coercion from any quarter and the compromise has been validly effected between the parties to the above said in the FIR. It is also submitted that beside the accused (petitioner) mentioned in the petition, there is no other accused in the FIR. It is also submitted that the parties are not involved in any other criminal case.”

4. Learned counsel for the petitioner contends that although the allegations were levelled against the petitioner and other relatives but they were found to be innocent during the investigation and FIR was registered only against the petitioner. Marriage of petitioner was solemnized with respondent No. 2 on 02.11.2018 and it was the second marriage of the petitioner, 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 petitioner and respondent No. 2 are gainfully employed. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage with mutual consent in the learned Family Court, Jalandhar, wherein statements of the parties at the state of first motion has been recorded. Respondent No. 2 has received all her articles of *stree dhan* and nothing else is due payable to her by the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant 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

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. Accordingly the present petition is allowed and FIR No. 35 dated 05.04.2021 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Adampur District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

28.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No