

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23605-2023 (O&M)
Date of Decision: 23.11.2023

DAVINDER SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. V.K.Kaushal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Rahul Garg, Advocate for
Mr. Raman Kumar, 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. 237 dated 26.11.2022 under Sections 498-A, 34 IPC registered at Police Station Mahilapur, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 09.08.2023, 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 09.08.2023, learned Judicial Magistrate First Class, Garhshankar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per record and as per statement of Investigating Officer, two persons namely Davinder Singh and Paramjit Kaur are arrayed as accused.

2. As per record and as per statement of Investigating Officer, none of the accused has been declared as proclaimed person or proclaimed offender in present case.

3. The matter has been compromised between complainant and accused persons voluntarily and out of their free will and consent and without any coercion or undue influence. The compromise appears to be genuine.

4. As per statement of Investigating Officer, accused persons are not involved in any other case.

5. Statement of Investigating Officer ASI Gurnek Singh No.686/HPR is recorded and as per his statement, there is only one victim who is complainant Harpreet Kaur in the present FIR and complainant Harpreet Kaur and accused persons are party to the compromise”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 14.02.2019 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). 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 07.11.2023 passed by the learned Family Court, Hoshiarpur. A sum of Rs.3,60,000/- 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 by the petitioners. The custody of the minor daughter shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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. 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 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. 237 dated 26.11.2022 under Sections 498-A, 34 IPC registered at Police Station Mahilapur, District Hoshiarpur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

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