

289 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-25077-2023
 Date of Decision: 21.08.2023

HARINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sudesh Sahi, Advocate
 for the petitioner.

Mr. Hittan Nehra, Addl. AG Punjab.

Mr. Vijay Kumar, Advocate
for Mr. Gaurav Gaur, Advocate
for the complainant/respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 48, dated 12.04.2019 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Amloh, District Fatehgarh Sahib on the basis of compromise.
2. Vide order dated 17.05.2023, 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 Judicial Magistrate Ist Class, Amloh and relevant portion of the same is reproduced below:

*“(i) As per the statement of retired Inspector,
Mohinder Singh, the then SHO police Station, Amloh,*

only one accused person, is involved, no other person has been arrayed as accused in the present FIR, no accused person has been declared proclaimed offender in the present FIR, no such proceedings have been initiated or pending against accused person.

(ii) From the statements of the parties, it seems that the compromise between the complainant/victim Jaspreet Kaur and accused person namely Harinder Singh are genuine, voluntarily without any coercion or undue influence.

(iii) As per the statement of retired Inspector, Mohinder Singh, accused is not involved in any other criminal case/FIR.

(iv) Trial of the present case is fixed for prosecution evidence.

6. The complainant/victim namely Jaspreet Kaur & accused person namely Harinder Singh have no objection if the above said FIR and the consequential proceedings are quashed against the above said accused person in view of the compromise entered into between the parties.”

4. Learned counsel for the petitioner contends that although the allegations were levelled against the petitioner and his relatives but the FIR has only been registered against the petitioner. Marriage of the petitioner was solemnized with respondent No. 2 on 17.02.2013, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The petitioner has paid a sum of Rs. 8.50 lac on account of permanent alimony to respondent No. 2. The marriage of petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual

consent under Section 13-B of Hindu Marriage Act vide judgment and decree 09.08.2023 passed by learned Family Court, Fatehgarh Sahib (camp at Amloh). Respondent No. 2 has received all her articles of *stree dhan* and nothing is due payable to her by the petitioner and 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 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***, 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. 48, dated 12.04.2019 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Amloh, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

21.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

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