

**291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26224-2023

Date of Decision: 26.07.2023

**JAGTAR SINGH AND OTHERS
V/S**

... PETITIONERS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Aviraj, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Karanveer Singh, 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. 22 dated 23.03.2023 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women Cell, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 22.05.2023, 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 22.05.2023, learned Judicial Magistrate First Class, Patiala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“(I) Genuineness and voluntary nature of compromise?”

Yes, the compromise arrived between the

parties is genuine voluntary and made out of free will of the parties.

Complainant Kuldeep Kaur, accused/petitioner no.1 Jagtar Singh and petitioners no.2 and 3 Arjan Singh, Kuldeep Kaur @ Bholi have suffered separate statements to the effect that they have compromised the matter with each other without their being any pressure, coercion or undue influence. They further stated in their separate statements that compromise is genuine one, voluntarily and without any coercion and complainant has no objection for quashing the FIR No. 22 dated 23.03.2023 under Sections 406 and 498-A IPC registered at police station Women, Patiala, against the accused Jagtar Singh and petitioners no.2 and 3 Arjan Singh, Kuldeep Kaur @ Bholi all residents of Tower Wali Gali, Hargobind Nagar, Haripur, District Sangrur.

From the statements of the parties, this Court is of the opinion that matter has been amicably settled between the petitioner no. 1/accused namely Jagtar Singh son of Arjan Singh and petitioners no.2 and 3 Arjan Singh son of Piara Singh, Kuldeep Kaur @ Bholi wife of Arjan Singh all residents of village Tower Wali Gali, Hargobind Nagar, Haripur, District Sangrur and complainant Kuldeep Kaur daughter of Sh.Mohinder Singh wife of Jagtar Singh R/o Village Mehmoodpur Jattan, Near Behal, Tehsil and District Patiala. The said compromise is genuine, voluntary and is without any coercion or undue influence.

(ii) How many persons are nominated in FIR/police report?

So, as to give opinion regarding number of persons nominated in FIR/police report, this Court has recorded the statement of IO SI Sandeep Kaur No.41/PRT posted at Vigilance Bureau Chandigarh. As per her statement, in present FIR No.22 dated 23.3.2023, only one person is nominated as accused namely Jagtar Singh son of Sh.Arjan Singh resident of Tower Wali Gali, Hargobind Nagar, Haripur, District Sangrur. No other person is involved in the present FIR.

(iii) How many accused/victims have out of total accused/victims have entered into compromise?

As per statement of IO, person/accused involved in present FIR No.22 dated 23.3.2023, is only Jagtar Singh son of Sh.Arjan Singh resident of Tower Wali Gali, Hargobind Nagar, Haripur, District Sangrur as accused and Kuldeep Kaur

daughter of Sh. Mohinder Singh wife of Jagtar Singh R/o Village Mehmoodpur Jattan, near Behal, Tehsil and District Patiala as complainant, and Arjan Singh, son of Sh.Piara Singh and Kuldeep Kaur @ Bholi petitioners no.2 and 3 (parties in quashing petition but not arrayed as accused in the present FIR), both residents of Tower Wali Gali, Hargobind Nagar, Haripur, District Sangrur, have entered into compromise.

(iv) If there is partial compromise, what is the role of the accused?

The parties have fully compromised the matter and there is no partial compromise between the parties.

(v) What is the stage of trial, if accused already convicted whether appeal is pending in Appellate Court?

In the present case, challan against accused Jagtar Singh is yet to be presented.

(vi) Whether all accused/petitioner are appearing before the Court or are on bail?

FIR has been registered only against accused Jagtar Singh who is on anticipatory bail.

(vii) Whether any other proceeding is pending against the accused/petitioners.

As per statement of IO, no other criminal case pending against accused Jagtar Singh.”

4. Learned counsel for the petitioners contend that as per report, only petitioner No.1 has been arraigned as an accused and petitioner Nos. 2 and 3 have not been arraigned as accused in the instant case. Accordingly, he seeks to withdraw the petition qua petitioner Nos. 2 and 3.

5. Ordered accordingly,

6. It has been further contended that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.11.2015 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).

Petitioner No.1 shall pay a sum of Rs. 10 Lakhs to respondent No.2 on

account of permanent alimony. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion have been recorded. The petitioner No.1 has paid a sum of Rs. 5,00,000/- to respondent No.2 and the balance amount of Rs. 5,00,000/- shall be paid when the statements of the parties is recorded at the stage of 2nd motion. Respondent No.2 has received all her articles of *Istridhan* and nothing is due payable to her. The custody of the minor daughter shall remain with respondent No.2. No other case is pending between the parties.

7. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

8. 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.

9. 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.

10. 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*.

11. Accordingly, the present petition is allowed and FIR No. 22 dated 23.03.2023 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women Cell, District Patiala and all the consequential proceedings arising therefrom are quashed qua *petitioner No.1 only*.

26.07.2023

Janki

(VIVEK PURI)
JUDGE

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