

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

**CRM-M-28185-2023 (O&M)
Date of decision: 25.08.2023**

GURWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shagun Thapar, Advocate for
Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Amarinder Kaur, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Gopal Krishan, PPS, DSP (CAW & C Cell) District Ludhiana (Rural) on behalf of the respondent-State has been filed and the same is taken on record.

2. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.19 dated 26.11.2022 under Sections 498-A/406 IPC, registered at Police Station Women, Jagraon District Ludihana and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 31.05.2023, 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

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compromise.

4. In compliance of the order dated 31.05.2023, learned Judicial Magistrate 1st Class, Jagraon has recorded the statements of the parties and submitted the report, the following report whereof reads as under:-

“Pursuant to the order dated 31.05.2023 passed by Hon'ble Punjab and Haryana High Court in CRM-M-28185-2023 titled as Gurwinder Singh Vs. State of Punjab @ another, report is hereby submitted to the effect that the statement of respondent No.2/complainant Sumandeep Kaur W/o Gurwinder Singh and D/o Harjinder Singh, R/o Village Talwandi Rai, Tehsil Raikot, District Ludhiana and petitioner/accused namely Gurwinder Singh S/o Jagtar Singh, R/o Village Karamgarh, Gaggewaliya, Distt. Barnala, recorded on 02.08.2023. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Surjit Singh No.612/LDH(R), now posted at PS Women, Jagraon was recorded to the effect that there is only one complainant namely Sumandeep Kaur and one accused namely Gurwinder Singh, arrayed in the present FIR. He further stated that as per record, neither accused has been declared as Proclaimed Offender nor any proceedings have been initiated or pending against him. He further stated that accused Gurwinder Singh is not involved in any other FIR. The present case is fixed consideration on charge.”

5. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and 04 other family members. However, FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 06.12.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 16.12.2022 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of

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judgment and decree dated 17.08.2023 passed by the learned Family Court, Ludhiana (Camp at Jagraon). A sum of Rs.5,70,000/- has been paid on account of permanent alimony to respondent No.2. 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.

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

7. 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.

8. 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.

9. 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***.

10. 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.19 dated 26.11.2022 under Sections 498-A/406 IPC, registered at Police

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Station Women, Jagraon District Ludihana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

25.08.2023

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(VIVEK PURI)
JUDGE

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