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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27462-2023

Date of Decision: 15.11.2023

KULVIR SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jaswinder Singh, Advocate for the petitioner.

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

Mr. Devinder Singh, Advocate for
Mr. Satnam Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 107 dated 21.09.2022 under Sections 323, 498-A IPC registered at Police Station Mullanpur, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 29.05.2023, 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 29.05.2023, learned Judicial Magistrate First Class, Kharar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per FIR there is only one accused namely Kulvir Singh arrayed as accused in the present case. It is submitted that as per the information provided by Investigating Officer ASI Dalwinder Singh:

1. There is only one complainant namely Taranjeet

Kaur in the present Case.

2. Accused namely Kulvir Singh is also involved in FIR No.62 dated 20.05.2023 under Section 186/353/342/294/506/149 of IPC.

3. Neither accused nor complainant has been declared as Proclaimed Offender in this case.

It is further submitted that the compromise appears to be genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 about 13 years prior to the registration of the FIR and two sons have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Center of this Court and Annexure P-2 is the Settlement Agreement. The petitioner and respondent No.2 have resumed cohabitation. Respondent No. 2 along with both the children is happily residing in the matrimonial home with the petitioner. 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. 107 dated 21.09.2022 under Sections 323, 498-A IPC registered at Police Station Mullanpur, District SAS Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

15.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No