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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.32793 of 2023(O&M)

Date of Decision: 16.12.2023

Karaj Singh and Another

..... Petitioners

V/s.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Bhardwaj, Advocate
for the petitioners.

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

Mr. Jaswinder Singh Rana, Advocate
for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioner is seeking to quash the FIR bearing No.12 dated 08.12.2021 under Sections 406, 498-A, IPC, 1860 registered at Police Station NRI, District Moga and all the other subsequent proceedings arising therefrom, on the basis of compromise.
2. On 09.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 09.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Moga, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is further reported that only these two accused have been nominated in this case and no other accused has been declared as Proclaimed Offender. It is further reported that the compromise is genuine, voluntary and without any coercion or undue influence. As per statement of ASI Jaspal Singh No.3882/PAP PS NRI Moga appeared on behalf of IO ASI

Kabal Singh No.523/moga, these accused persons are not involved in any other case.

Hence, it is humbly submitted that the compromise entered into by the parties is genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioners contend that initially, the allegations were levelled against the petitioners and Sukhwinder Kaur, the mother-in-law of the complainant but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 15.06.2018, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled in terms of the Panchayati settlement, contained at Annexure P-2. The petitioner No.1 has paid a sum of Rs.5,50,000/- to respondent No.2. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court Moga, wherein statements of the parties at the stage of first motion have been recorded. Respondent No.2 has received all her articles of *istridhan* and nothing is due payable to her by the petitioner(s). No other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**.

9. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.12 dated 08.12.2021 under Sections 406, 498-A, IPC, 1860 registered at Police Station NRI, District Moga and all the other subsequent proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

16th December, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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