

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29653-2023
Date of Decision: 05.09.2023

ATINDER PAL SINGH AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Brar, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Inderjeet Singh Brar, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR bearing No.0012 dated 24.01.2021, under Sections 406/498-A IPC registered at Police Station Sadar Faridkot, District Faridkot and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 03.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.
3. In compliance of the order dated 03.07.2023, the statements of the parties have been recorded and the learned Addl.Chief Judicial Magistrate, Faridkot, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“I. As per FIR and statement got recorded by Investigating Officer, there are two accused persons arrayed in the FIR and their names being Atinder Pal Singh and Sukhwinder Kaur.

II. As per the statement of Investigating Officer, no accused is declared proclaimed offender.

III. From the statement of the parties, as recorded in

the Court, it appears that they have voluntarily compromised the matter, which is with their own sweet will and discretion, without any pressure or coercion and the same appears to be genuine.

IV. As per statement of Investigating Officer, the accused persons are not involved in any other FIR.

V. As per the statement of investigating officer, there is only one complainant namely Sukhjinder Kaur, in the FIR."

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.03.2017 and a son 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 and respondent No.2 have resumed co-habitation. Respondent No.2 alongwith minor son is happily residing in the matrimonial house with petitioner No.1. 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.0012 dated 24.01.2021, under Sections 406/498-A IPC registered at Police Station Sadar Faridkot, District Faridkot and all the 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.

05.09.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No