

289 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33663-2023
Date of Decision: 12.09.2023

AMANJIT SINGH DHINDSA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Praagbir S. Dhindsa, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Ramandeep Singh, Advocate for respondents No.4 and 5.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 150 dated 01.12.2022 registered under Sections 498-A, 406 and 120-B of the IPC at Police Station Sadar Ahmedgarh, District Malerkotla and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.07.2023, 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 17.07.2023, learned Judicial Magistrate First Class, Malerkotla has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per statement of Investigating Officer ASI Narinder Kumar no. 977/Sangrur and as per record in hand, total three persons namely Amanjit Singh Dhindsa, Sukhjinder Kaur and Maninder Singh arrayed as accused in the present FIR.

2. Further as per statement IO neither any of accused has been declared proclaimed offender in the present

FIR.

3. As per statements of both the parties, they have compromised the matter with the intervention of elders and relatives. As per their statements Court is satisfied that compromise effected between them is genuine, voluntarily and without any undue influence or coercion.

4. As per statement of IO, accused persons of the present FIR are not involved in any other FIR.

5. As per statement of IO, there is only one complainant namely Jagtar Singh and one victim namely Kulwant Kaur. All the victim/complainant as well as accused are party to the compromise in question.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.5 on 14.04.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The petitioner No.1 and respondent No.5 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Sangrur (Camp at Malerkotla) 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. 9 Lakhs to respondent No.5 on account of permanent alimony. She has received all her articles of *Istridhan* and nothing is due payable to her from the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent Nos. 4 and 5 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

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. 150 dated 01.12.2022 registered under Sections 498-A, 406 and 120-B of the IPC at Police Station Sadar Ahmedgarh, District Malerkotla and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.09.2023

Janki

(VIVEK PURI)
JUDGE

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