

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

**CRM-M-34502-2023
Date of decision: 20.09.2023**

HAKAM SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Ranolia, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Monty Goyal, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.48 dated 07.09.2021 under Sections 406/498-A/120-B IPC, registered at Police Station NRI, District SAS Nagar, Mohali and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 19.07.2023, 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 compromise.
4. In compliance of the order dated 19.07.2023, learned Judicial Magistrate 1st Class, SAS Nagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

CRM-M-34502-2023

-2-

“1. It is evident from the statement of Investigating Officer ASI Gurdeep Singh that in the present case FIR, there are three accused and none of accused have been declared proclaimed offender and they are not involved in any other case. There is only one complainant namely Shubhpreet Kaur.

2. It is evident from the statement of accused as well as complainant that the compromise is genuine and voluntary without any threat or coercion or undue influence.

3. As per the statement of Investigating Officer ASI Gurdeep Singh that there is no involvement of petitioners in any other FIR in the Police Station NRI, Mohali.

4. In the present case, the case was fixed at stage for awaiting further orders from the Hon'ble Punjab & Haryana High Court, Chandigarh”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.3 was solemnized with respondent No.2 on 07.02.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation of this Court and Annexure P-3 is the settlement/compromise. The marriage of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 26.07.2023 passed by the learned Family Court, Fatehgarh Sahib (Camp at Amloh). Petitioner No.3 has paid a sum of Rs.4,25,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of Istri Dhan and nothing else is due payable to her by the petitioners. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he 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

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.48 dated 07.09.2021 under Sections 406/498-A/120-B IPC, registered at Police Station NRI, District SAS Nagar, Mohali and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

20.09.2023
renubala

(VIVEK PURI)
JUDGE

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