

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

**CRM-M-39457-2022 (O&M)
Date of decision: 30.10.2023**

DALBIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit K. Handa, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Kunal Jindia, Advocate for
Mr. Abhishek, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.187 dated 21.12.2021, under Sections 406/498-A IPC, registered at Police Station Balongi, District SAS Nagar, Mohali and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 22.11.2022, parties were directed to appear before the Illaqa Magistrate/Duty 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 22.11.2022, learned Judicial Magistrate 1st Class, Kharar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

there is only one accused in this case namely Dalbir Singh and he has never been declared Proclaimed Offender. As per record, no such proceedings have been initiated or pending against the petitioner. Further, as per the statements of the parties, the compromise effected between the parties seems to be genuine, voluntarily without any coercion or undue influence.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 12.12.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 15.06.2022 (Annexure P-2). The marriage of the petitioner 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 15.07.2023 passed by the learned Family Court, SAS Nagar, Mohali. A sum of Rs.4,20,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her by the petitioner. 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 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.

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.187 dated 21.12.2021, under Sections 406/498-A IPC, registered at Police Station Balongi, District SAS Nagar, Mohali and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

30.10.2023

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(VIVEK PURI)
JUDGE

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