

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

**CRM-M-38607-2022(O&M)
Date of decision: 14.09.2023**

MANPREET SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhveer Kaur, Advocate for
Mr. Vipin Mahajan, Advocate the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Gaganbir Kaur, 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.032 dated 18.05.2022 under Sections 498-A/406/323/34 IPC, registered at Police Station Kahnuwan, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 01.05.2023, 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 01.05.2023, learned Judicial Magistrate 1st Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

accused persons/petitioners, it is found that statements have been given voluntarily and without any coercion or undue influence. Both the parties have appeared and made their statement in support of compromise. It is pertinent to mention here that the only Manpreet Singh, Inderjit Singh, Gurnaam Kaur, Harpreet Kaur arrayed as accused in the above said FIR. No accused declared Proclaimed Offender in the present FIR. As per the record of the Investigating Officer it is also verified that except the above said accused persons (petitioners) no any other accused in the present FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The compromise appears genuine/correct, voluntary and out of free will of the parties. It is further submitted that complainant has no objection if the present FIR is quashed against the petitioners.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2. on 06.04.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 10.06.2022 (Annexure P-2). The marriage of petitioner No.1 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 16.05.2023 passed by the learned Family Court, Gurdaspur. A sum of Rs.5,00,000/- 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 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.032 dated 18.05.2022 under Sections 498-A/406/323/34 IPC, registered at Police Station Kahnuwan, District Gurdaspur 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.

14.09.2023

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(VIVEK PURI)
JUDGE

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