

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37964-2023 (O&M)
Date of Decision: 30.10.2023

KARNAIL SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Kapil Kumar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash FIR No.90 dated 04.06.2002 under Sections 498-A/506 IPC registered at Police Station Balachaur and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 17.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 17.08.2023, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Balachaur, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i). As per the statement of IO/SI Puran Singh, two persons are arrayed in the present FIR.

(ii) As per the statement of IO/SI Puran Singh, accused Karnail Singh was declared proclaimed offender on 06.06.2002 and on 18.02.2020 he was granted bail by the Hon'ble Punjab and Haryana High Court.

(iii) As per the statements of parties, compromise is genuine, voluntary and without any

coercion or undue influence.

(iv) As per the statement of IO/SI Puran Singh, there is no other criminal case pending against the accused persons.

(v) Statement of IO/SI Puran Singh recorded. As per the statement of IO/SI Puran Singh there is only one complainant/victim namely Sukhwinder Kaur in the present FIR.”

4. Learned counsel for the petitioner contend that initially the FIR was registered against the petitioner and Gurnaib Singh. The challan was presented against Gurnaib Singh, co-accused. During the pendency of the trial, Savitri Devi, Soma Devi, Puran Singh were summoned under Section 319 Cr.P.C.. The co-accused of the petitioner were convicted and sentenced under Section 498-A IPC in terms of the judgment dated 09.11.2006 passed by the Court of learned Sub Divisional Judicial Magistrate, Balachaur. The appeal preferred by the co-accused was accepted and they were acquitted vide judgment dated 24.09.2009 passed by the Court of learned Additional Sessions Judge, Nawanshahr. The petitioner was declared as proclaimed offender. In pursuance of the order dated 10.02.2020 passed in CRM-M-5666-2020, the petitioner had surrendered in the trial Court within stipulated period of two weeks. He had submitted an application, Annexure P-6, for surrender and in terms of the order dated 18.02.2020, the petitioner was granted bail by the learned trial Court.

5. It has been further submitted that the marriage of the petitioner was solemnized with respondent No.2 on 15.02.1995 and a daughter has been born from the wedlock, who has since attained the age of majority. Even the marriage of the daughter of the petitioner has been solemnized. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-8. A sum of Rs.4 lac has been paid to

respondent No.2 on account of permanent alimony. 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 the Hindu Marriage Act in terms of the judgment and decree dated 01.09.2023 passed by the learned Family Court, SBS Nagar, Camp at Balachaur. Respondent No.2 has received all her articles of istrydhan 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 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

7. 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.

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.90 dated 04.06.2002 under Sections 498-A/506 IPC registered at Police Station Balachaur and all the subsequent proceedings arising therefrom on the basis of compromise 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