

262

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-40377-2022****Date of Decision: 19.09.2023****GURVINDER SINGH AND OTHERS****... PETITIONERS****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Vikram Preet Arora, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Anuj Balian, Advocate for

Mr. Maninder Arora, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 180 dated 12.08.2015 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 06.09.2022, 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 06.09.2022, learned Sub Divisional Judicial Magistrate, Amlah has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“a) As per FIR and statement of SI Balwinder Singh, P.S.Mandi Gobindgarh, there are only four accused in this case namely Gurnam Kaur, Balkar Singh, Balwinder Singh alias Monu and Gurvinder

Singh. Accused Gurnam Kaur and Balkar Singh have appeared before this Court and have made statements. However, statements of accused Gurvinder Singh and Balwinder Singh, have been recorded through video conferencing. None of the accused is proclaimed offender in this case except accused Gurvinder Singh, who is yet to be arrested and is absconding.

b) As per statement of SI Balwinder Singh, P.S.Mandi Gobindgarh, Balwinder Kaur is the only complainant in the present case/FIR and she got recorded her statement.

c) Before filing of the quashing petition, the proceedings of the case were pending for procuring presence of accused Gurvinder Singh through non-bailable warrants of arrest.

d) The compromise effected between the parties appear to be genuine and voluntary being result of their free will.

e) As per statement of SI Balwinder Singh, P.S.Mandi Gobindgarh, no other criminal case except present one is pending against accused Gurnam Kaur, Balkar Singh, Balwinder Singh alias Monu and Gurvinder Singh.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 11.03.2007 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor daughter is happily residing in the matrimonial home with petitioner No.1.

5. Learned counsel for respondent No.2 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

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 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. 180 dated 12.08.2015 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

19.09.2023

Janki

(VIVEK PURI)
JUDGE

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