

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39031-2023
Date of Decision: 18.10.2023

**BHUPINDER SINGH @ SAMAN AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vivek Singla, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Bhavesh Aggarwal, Advocate for
Mr. Shubham Mehta, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR bearing No.0009 dated 17.02.2023 under Sections 498-A/406 IPC registered at Women Police Station, District Bathinda and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 09.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 09.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bathinda, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. It is respectfully submitted that there are two accused namely Padam Singh and Bhupinder Singh @ Saman arrayed as accused in the present FIR.

2. As per record no accused has been declared as proclaimed offender.

3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion with their free will from any quarter.

4. Statement of investigating officer is recorded and as per his statement there is one victim/complainant namely Shinepreet Kaur @ Rubal in the present FIR. ”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 15.11.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Bathinda wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum Rs.8,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.4,00,000/- has already been paid and the balance amount of Rs.4,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing else is due payable to her by the petitioners. Respondent No.2 shall withdraw the application under Section 12 of Protection of Women from Domestic Violence Act and petition under Section 125 Cr.P.C instituted by her. No other case is pending between the parties. It has been further submitted that the petitioners are not involved in any other case.

5. Learned counsel appearing 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.

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 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. 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.0009 dated 17.02.2023 under Sections 498-A/406 IPC registered at Women Police Station, District Bathinda and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

18.10.2023

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Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable: Yes/No