

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

**CRM-M-39876-2023
Date of decision: 09.11.2023**

SURJIT SINGH @ RINKU

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Arun Sharma, 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.03 dated 05.01.2023 under Sections 406/498-A IPC, 1860 registered at Women Police Station, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 11.09.2023, 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 11.09.2023, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The undersigned has recorded the separate statement of complainant namely Kiranjot D/o Ram Lubhaya who stated in her statement that she is the complainant of the present case and on her statement present case bearing FIR No.03 dated 05.01.2023, u/s 406, 498-A IPC, PS Women, Ludhiana was registered against accused namely Surjit Singh @ Rinku and now with the intervention of respectables, she has entered into compromise with the accused without any pressure, coercion, and undue influence. She has no objection, if the present FIR be quashed. She has also placed on record copy of her Aadhar card as her identity proof. Thereafter, separate statement of accused Surjit Singh @ Rinku was recorded who in his statement stated that with the intervention of respectables, he has entered into compromise with the complainant Kiranjot without any pressure, coercion and undue influence and he has no objection if quashing petition is accepted. He has also placed on record the copy of his adhaar cards as his identity proof. Thereafter, undersigned recorded the statement of IO SI Suresh Kumar No.2045/Ldh, PS Women, Ludhiana who in his statement stated that as per record present FIR has been registered against accused Surjit Singh @ Rinku only. Also, Kiranjot is the only complainant in the present case. He further stated that above said accused have never been declared PO and nor any other FIR is pending or decided against him.

The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There is only one accused arrayed in the present case namely Surjit Singh @ Rinku. Also, Kiranjot is the only complainant in the present case. Now matter has been compromised. Hence, report is hereby sent your goodself for your kind perusal.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2. on 17.12.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.07.2023 (Annexure P-2).

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The petitioner 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 learned Family Court, Ludhiana wherein, the statements of the parties at the stage of first motion have been recorded. The entire claim of respondent No.2 for permanent alimony and Istri Dhan has been settled. 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.

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,

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FIR No.03 dated 05.01.2023 under Sections 406/498-A IPC, 1860 registered at Women Police Station, District Police Commissionerate Ludhiana 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.

09.11.2023
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(VIVEK PURI)
JUDGE

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