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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40816-2023

Date of Decision: 17.11.2023

DHARAMPAL SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lakshay Bector, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Ms. Swati Verma, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 56 dated 24.05.2023 under Sections 498-A/323/34 IPC registered at Police Station Sadar Raikot, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 21.08.2023, 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 21.08.2023, learned Judicial Magistrate First Class, Jagraon has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Pursuant to the order dated 21.08.2023 passed by Hon'ble Punjab & Haryana High Court in CRM-M-40816-2023 titled as Dharampal Singh & another Vs. State of Punjab & another, report is hereby submitted to the effect that the statements of

complainant/respondent no.2 Rupinder Kaur W/o Dharampal Singh, R/o Bhaini Baringa, Distt. Ludhiana and petitioners no.1 and 2/accused Dharampal Singh S/o Sikander Singh, R/o Bhaini Baringa, Distt. Ludhiana & Ranjit Kaur W/o Sikander Singh, R/o Bhaini Baringa, Distt. Ludhiana, recorded on 12.09.2023. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Surinder Singh No. 40/LDH(R), now posted at PS Sadar Raikot recorded to the effect that as per record the present FIR No. 56 Dated 24.05.2023 registered under Sections 498-A, 323, 34 of IPC, at Police Station Sadar Raikot, Distt. Ludhiana, was registered on the statement of Rupinder Kaur W/o Dharampal Singh, R/o Bhaini Baringa, Distt. Ludhiana against accused Dharampal Singh S/o Sikander Singh and Ranjit Kaur W/o Sikander Singh, Both R/o Bhaini Baringa, Distt. Ludhiana. He further stated that there is only one complainant namely Rupinder Kaur and two accused namely Dharampal Singh and Ranjit Kaur as per FIR. He further stated that no accused has been declared as proclaimed offender nor they have involved in any other case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 in the year 2009 and a daughter and a son have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, contained at Annexure P-2. The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with minor children is happily residing in the matrimonial house with petitioner No.1.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 56 dated 24.05.2023 under Sections 498-A/323/34 IPC registered at Police Station Sadar Raikot, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

17.11.2023

Janki

(VIVEK PURI)  
JUDGE

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