

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41221-2023
Date of Decision: 14.11.2023

JAGJEET SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikas Kumar, Advocate for
 Mr. B.D.Sharma, Advocate
 for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Pawan Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.53 dated 08.06.2023 under Sections 406/498-A/120-B IPC registered at Police Station Bhogpur, District Jalandhar on the basis of compromise.
2. On 21.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 21.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. That only three persons namely Jagjeet Singh, Gurpreet Singh and Sarabjit Kaur are arrayed as accused in the FIR

2. That as per the record and the statement of the investigating officer, none of the accused is proclaimed offender.

3. That in view of the above statements of the complainant and the accused persons, I am of the opinion that the compromise is genuine,

voluntary and without any coercion or undue influence and out of free Will.

4. That as per the statements of the accused persons and the investigating officer, the accused persons are not involved in any other FIR.

5. That as per the statement of the investigating officer, there is only one complainant/ victims namely Harpreet in the FIR.”

4. Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 29.01.2018 and a daughter was born from the wedlock, who unfortunately passed away on the following day of her birth. The matrimonial dispute between the parties has been amicably settled in terms of compromise Annexure P-2 and P-3. Petitioner No. 1 and respondent No. 2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage with mutual consent, wherein statement of the parties at the stage of first motion have been recorded. Furthermore, the petitioner shall pay a sum of Rs. 11,00,000/- on account of permanent alimony to respondent No. 2 out of which Rs. 5,50,000/- has already been paid to respondent No. 2 and the balance amount shall be paid at the time to recording of statements of the parties at the stage of second motion. No other case is pending between the parties. Respondent No. 2 has received all her articles of istridhan and nothing is due payable to her by the petitioners. No other case is pending between the parties.

5. 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.

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.53 dated 08.06.2023 under Sections 406/498-A/120-B IPC registered at Police Station Bhogpur, District Jalandhar on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

14.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No