

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

CRM-M-43765-2022

Date of decision: 21.07.2023

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagmeet Singh Moudgill, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. J.S.Bhander, Advocate for

Mr. H.S. Sandhu, 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.28 dated 18.06.2022 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 22.09.2022, parties were directed to appear before the Illaqa Magistrate/Duty 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 22.09.2022, learned Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. It is respectfully submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between the parties is

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genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

2. As per record, there is no other accused except the accused namely Gurpreet Singh in the present FIR no.28 dated 18.06.2022.

3. As per record, accused is not involved in any other case and no accused has been declared as proclaimed offender.”

5. Learned counsel for the petitioner contends that the complaint was submitted against the petitioner and three other family members who are found to be innocent during the course of investigation and the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 26.01.2019 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 18.08.2022 (Annexure P-2). The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with the minor daughter is happily residing in the matrimonial house with the petitioner.

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

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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*, upheld 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, FIR No. 28 dated 18.06.2022 under Sections 498-A/406 IPC, registered at Women Police Station, District Bathinda 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.

21.07.2023
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(VIVEK PURI)
JUDGE

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