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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-44874-2022****Date of Decision: 24.08.2023****SOHAN SINGH****... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Gaurav Arora, 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. 72 dated 13.04.2022 registered under Sections 323, 341 and 498-A IPC at Police Station Amloh, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4).
2. On 27.09.2022, 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 27.09.2022, learned Judicial Magistrate First Class, Amloh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“(i) The name of complainant/victim is Jasveer Kaur. Accused Sohan Singh has been arrayed as accused in the present FIR is party to the compromise; the complainant Jasveer Kaur and the accused Sohan Singh have appeared before the court and made their respective statements in support of the compromise so effected between them:

(ii) None of the accused has been declared as

Proclaimed Offender in the FIR, as per the statement of IO;

(iii) As per the statement of IO, SI Harkirat Singh No.73/RRT, IC/PP, Bugga Kalan, no other criminal case is pending against accused person namely Sohan Singh.

(iv) From the statements of the parties, it seems that the compromise between the complainant/victim and accused person namely Sohan Singh is genuine, voluntarily and without any coercion or undue influence.

6. The complainant/victim namely Jasveer Kaur and accused person namely Sohan Singh have no objection if the above said FIR and the consequential proceedings are quashed against the above said accused person in view of the compromise entered into between the parties.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 in the year 2004 and three children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of Settlement (Annexure P-4). The petitioner and respondent No.2 have resumed cohabitation. The respondent No. 2 along with the minor children is happily residing in the matrimonial house with the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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 (Annexure P-4). 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. 72 dated 13.04.2022 registered under Sections 323, 341 and 498-A IPC at Police Station Amloh, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

24.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No