

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

**CRM-M-43280-2023
Date of decision: 16.12.2023**

GURVIR SINGH MANGAT AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ravinder Kaur, Advocate for
Mr. Narinder Singh Dadwal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Jagjit Singh, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.09 dated 03.09.2021 under Sections 406/498-A IPC, registered at Police Station NRI, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 31.08.2023, 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 31.08.2023, learned Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, Jagraon has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

CRM-M-43280-2023

-2-

- “1. There are only two accused in the present FIR as per the statement of the IO namely Gurveer Singh Mangat and Jasvir Kaur Mangat.*
- 2. None of the accused was proclaimed offender as per the statement of the IO.*
- 3. The compromise is genuine, voluntarily made out of the free will of the parties and without any coercion or undue influence.*
- 4. None of the accused involved in any other criminal case/FIR as per the statement of the IO.*
- 5. There is one complainant namely Lovepreet Kaur as per the statement of the IO.”*

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and other relatives but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 07.12.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 22.08.2023 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 14.12.2023 passed by the learned Family Court, Ludhiana (Camp at Jagraon). A sum of Rs.15,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. 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

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, FIR No. 09 dated 03.09.2021 under Sections 406/498-A IPC, registered at Police Station NRI, District Ludhiana Rural and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

16.12.2023

renubala

(VIVEK PURI)
JUDGE

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